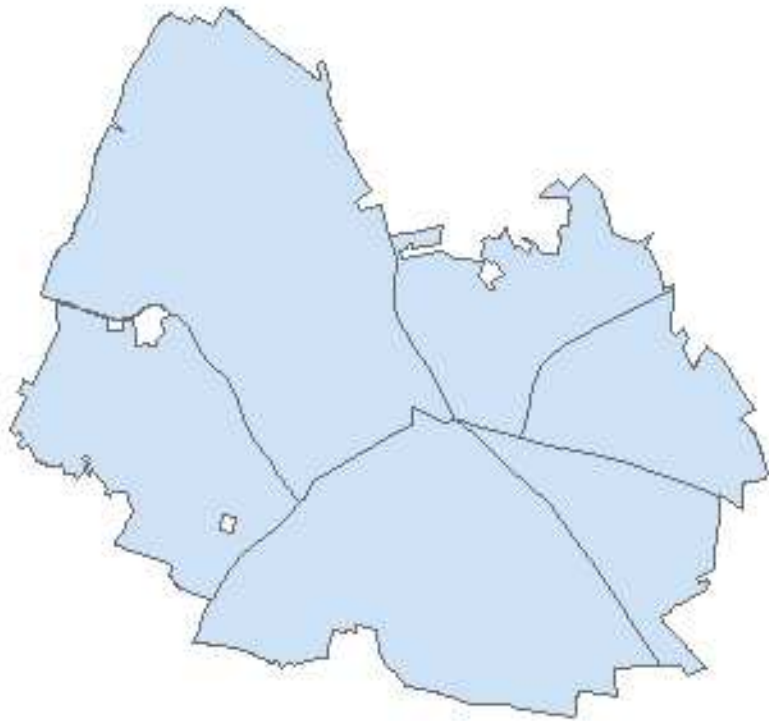


ZONING REVISION OUTLINE



CITY OF ROCKVILLE,
MARYLAND
JUNE 2006

INTRODUCTION

The following is a proposed outline for the City of Rockville's revised zoning ordinance. The outline is meant to accomplish two goals. First, this document presents the proposed alignment of the revised ordinance. The organization of the articles and sections is easier to rearrange at this stage than it will be to rearrange the legislative language. Secondly, this outline provides an explanation of each section of the final document – both the purpose of the section and the general goals of the regulations. The outline presents this information in plain language (as opposed to the legalese that always slips into regulations) and can be used as a reference source when the ordinance is completed.

There have been two levels of review for this outline before it is presented to the Mayor and Council for approval. The first review committee consisted of selected staff members who have experience reviewing zoning regulations. The second review committee, the RORZOR (Representatives of Rockville Zoning Ordinance Review) Committee, met from March until May and consisted of members of the City Council, Planning Commission, and Board of Appeals. In addition, this committee included six representatives from the community. The RORZOR committee continues to serve as a liaison between staff and the approving bodies to ensure that the language truly reflects the will of the City. They will meet again in the fall to discuss the draft.

The outline divides the ordinance into eighteen articles in order to simplify the organization by characterizing each article more logically based on functions, roles, procedures, and substance. Those articles are:

Article 1	Introductory Information
Article 2	Zoning Districts and Map
Article 3	Definitions
Article 4	Approving Bodies
Article 5	Application Process
Article 6	Common Procedures
Article 7	Permits
Article 8	Nonconformities
Article 9	Accessories and Encroachments
Article 10	Single-Family Residential Districts
Article 11	Attached Residential Districts
Article 12	Single-Use Non-Residential Districts
Article 13	Mixed Use Districts
Article 14	Special Use Districts
Article 15	Site Development Requirements
Article 16	Parking
Article 17	Signs
Article 18	Enforcement

Each article presented below provides three things: 1) Contents, 2) General Commentary, and 3) Specific Sections. The **Contents** section of the outline lists each expected section of the ordinance to allow the reader to consider whether these sections

all fit within the article and whether there are any sections missing. Beside each section there is an (N), or (n), or nothing at all. The key for these notations is as follows:

- (N) – Completely new section to the ordinance
- (n) – Contains some new and some existing regulations
- Blank – will be very similar to the existing regulations

The **General Commentary** section of each article provides an overview of what that article is meant to accomplish, in plain language. The general purpose language of each article to be used in the ordinance will be developed, in part, from the General Commentary sections.

The **Specific Sections** portions of each article provide more guidance as to the language that will be developed for the ordinance. This is the actual outline portion of this document. The review committees have used the specific sections to determine if there are any additional regulations that should be included or whether there are some regulations that can be removed from the ordinance.

Specifically excluded from this outline are the subdivision regulations currently found in Article XV of Chapter 25. Staff will be reviewing the subdivision regulations separately. They will likely be placed in a separate chapter of the Code of Rockville.

The following is the thought process behind this outline:

- The policies / purpose statements / particular language presented were all submitted for discussion purposes. Where information is provided from current regulations, these requirements have been discussed for changes in the revision.
- Current ordinance sections are provided throughout the outline for cross-reference assistance and to help staff when writing the draft.
- There are two organizational guideline options to an outline. **First**, repeated regulations can be explained in a single section and cross-referenced multiple-times throughout the ordinance. This requires the reader to flip back and forth or use hyperlinks on-line. **Second**, the same requirements can be listed out separately every time they are required in the ordinance. If there are any future changes to the requirements, each section must be amended. *This outline reflects the first option.*
- Discussions regarding the outline have addressed whether:
 - Any sections should be removed
 - Any sections need to be added
 - Any sections need:
 - To be moved (if so, where?)
 - To be changed (if so, how?)
 - To be made into guidelines referenced in the ordinance but maintained outside the ordinance
 - To have / remove purpose statements

Many of these changes have been proposed by the review committees and incorporated into this version of the outline.

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Article One - Introductory Information

Contents:

1. Title; Effective Date (N)
2. General Purpose (n)
3. Authority (N)
4. Relationship to Master Plan and Neighborhood Plans (N)
5. Applicability (n)
6. Severability
7. Vesting (N)
8. Transitional Provisions (n)

General Commentary: This chapter will contain important general provisions that are relevant to the document as a whole.

Specific Sections:

25.01.01 - Title; Effective Date

This is a standard section that sets forth the official name of the document (for example, The Zoning Ordinance of the City of Rockville) and any acceptable shortened references (Rockville Zoning Ordinance, “RZO”). The effective date is important to clarify for purposes of determining what properties are considered nonconforming.

25.01.02 - General Purpose

A detailed purpose and intent section can inform future decisions makers about the intent of the Mayor and Council when they adopt the revised Zoning Ordinance. This section, which will outline the general purposes of the ordinance, will be based on the goals in the Master and Neighborhood Plans, the statutory goals for zoning outlined in 66B (protection of health and safety) and the goals of the update project (from the White Paper discussions). General purpose statements from current regulations (Current §25-2) will be included as well. Particular purpose statements will also be provided from Article 66B.

The intent of this zoning ordinance and revision is to regulate the development of land in the City in a manner which will provide an excellent quality of life, and which creates a distinctive character for Rockville that reflects the needs and goals of the community.

25.01.03 - Authority

This section will contain references to the statutory basis for zoning in Maryland, Article 66B of the Code of Maryland.

25.01.04 - Relationship to the Master Plan and Neighborhood Plans

The Master Plan and Neighborhood Plans are a guide to developing and interpreting the zoning ordinance. As a result, administrative bodies and citizens are to refer to the

Master Plan when applying the Zoning Ordinance and interpreting the intent of the regulations. Neighborhood plans are considered part of the Master Plan; therefore, zoning regulations must also be in accord with these plans and reference should be given to these plans to interpret the intent of the regulations. There may be certain parts of certain plans (i.e. zoning recommendations of a plan) that may be mandatory or certain parts of the Zoning Ordinance, which will require compliance with a plan.

25.01.05 - Applicability

A. Responsible Parties

The Zoning Ordinance will apply to all the land area within the corporate limits of the City as indicated on the zoning map. As a result, zoning applies to all property owners and property users in the City.

B. Compliance Generally

A person may not develop or use any land within the City without complying with the requirements of this Zoning Ordinance, including all necessary approvals related to such activity. Within this outline, this requirement is duplicated in Article 18, Enforcement that summarizes the current provisions of §25-8, “Compliance Generally” and §25-16, “Uses Generally,” which states that any infraction against these regulations is a violation.

C. Minimum Requirements

The regulations set out in the ordinance are only the minimum requirements, unless otherwise stated. The property owner may exceed the requirement if they so choose. (Current §25-3(a))

D. Conflict of Regulations

There are two types of conflict explanations that can be given in the ordinance – either the more restrictive requirement will apply or the more flexible requirement will apply. When the language is drafted for the remaining sections of the ordinance, then a determination can be made between these two types of conflict regulations as to which one will best suit the needs of the City.

Generally, when there is a conflict between two regulations, either within the Zoning Ordinance itself or between the Zoning Ordinance and any other lawfully adopted ordinance, rules or regulation, the requirement is that the most restrictive regulation or the higher standard will control. Currently, §25-3(b) states that this chapter will not interfere with or otherwise affect any ordinance, rules, regulations, permits, easements, covenants, or other agreement but where this ordinance provides greater restrictions, it will prevail.

The Maryland Department of Planning recommends including a provision in infill codes (districts designed for infill) that where there is conflict between two provisions (especially with regard to overlay zones and the underlying zoning district regulations), the more flexible standard shall apply. This policy is premised

on the idea that infill regulations should allow for flexibility. For example, if the underlying zone says that buildings must be 30 feet and the overlay requirements say that the buildings can be 35 feet in height, or the average of adjacent buildings, the overlay requirements would apply because there is more flexibility to be either 35 feet or the average of adjacent buildings, even though the 30 foot standard is more restrictive.

25.01.06 - Severability

This provision will be similar to the existing severability clause (only recently updated in §25-4); declaring that if any part of the ordinance is deemed invalid, then the remainder will not be affected and shall continue to apply. In particular it will apply to:

A. General Severability

A general severability provision declaring that all parts of the ordinance are severable, unless otherwise stated.

B. Sign Severability

A sign severability provision declaring that all parts of the ordinance regarding signs are severable.

25.01.07 - Vesting

An explanation of when a project is deemed to have the right to continue with that project will be provided here. Rights can vest in a particular use as well as a particular structure. This section will be more fleshed out and the particulars will be determined in the draft stage.

A. Vested Use

A use will vest with 1) the final approval from a deciding body (special exception, variance, use permit, etc.) and 2) when, under that permit / approval the person(s) approved under the approval (if someone is so named) proceeds to exercise the use so that the neighborhood may be advised that the land is being devoted to that use (i.e. when there are footings in the ground).

B. Vested Construction

Like a vested use, construction rights will vest when 1) there is a validly issued building permit from the authorizing body and 2) actual, physical commencement of significant and visible construction. Placing markers on the property for where the building will be built may not be considered “significant and visible construction;” however, the laying of a foundation may be sufficient for vesting. Other applicable codes, such as the Building Code, should be reviewed for compliance with this provision of vested construction.

25.01.08 - Transitional Provisions

At the time of adoption of a revised Zoning Ordinance, there will be projects in various stages of approval. A number of those projects, designed to comply with

current zoning regulations (not the requirements of the revision), will result in a nonconformity under the revised regulations. Guidelines provided here will establish which projects may continue to be developed under existing standards and which must be amended to conform to new regulations. This section will be tied to grandfathering and nonconformities requirements of Article 8.

A. Prior Approvals

The new ordinance will include some changes from existing practice. These provisions will explain the rights of development approved under the previously existing regulations. Approved construction, plans, and permits continue until their expiration date regardless of their method of approval (i.e. special exception, use permit, variance, special development procedure, etc.). There are similar transitional provisions in the current regulations (current §25-5(a-c)) though in the current ordinance, each type of approval is addressed individually. Here, the type of approval will be lumped together, as it is the approval itself not the type of approval that is the key to the ability to continue.

One consideration for the draft standards will be whether there should be a time limitation on the finalization of an approved project. At the expiration of that time limit, if the project is not yet completed, the project must be completed in compliance with the current zoning ordinance requirements.

B. Prior Conditions

Any condition imposed through any of the applicable zoning processes in this chapter (where conditions may be imposed for approval) will continue in full force. Any violation thereof will constitute a violation of the Zoning Ordinance. (Current §25-5(d))

C. Continuing Violations

Any violations under the previous ordinance version (meaning prior to the effective date of the revision) will continue to be penalized. The violation, however, will be reviewed subject to the requirements under the revised ordinance. Though the previous violation may no longer be a violation under the current standards, the property owner will still be responsible for whatever penalty was imposed for the previous violation. If the violation itself is now currently allowed in the revised zoning ordinance (for example a previous setback violation), the structure or use may continue without accruing any additional violation fines or penalties.

D. Applications under Review at Time of Amendment

As proposed in the Nonconformities White Paper, an established tier of allowances for projects in the pipeline (i.e. applications for construction) should be established and listed in the Zoning Ordinance. A number of these projects, designed in conformance with the current zoning regulations will result in a nonconformity under the revised regulations. If these projects have invested a substantial amount of time and effort on the part of the applicant, the City should determine whether

they should be permitted to continue, even though they do not have a vested right to continue. The current § 25-5(e) will be a starting point for developing these regulations.

Phases of development projects will be reviewed separately to determine how the zoning revision will apply.

Article Two - Zoning Districts and Map

Contents:

1. Zoning District Map
2. Zoning District Boundaries (n)
3. Lots Divided by Zoning District Boundaries
4. Properties Divided between City and County
5. Zoning of Annexed Land (n)

General Commentary: Under Maryland law, a local legislative body may divide the local jurisdiction into districts of any number, shape and area that the local legislative body considers best suited to execute the purposes of zoning. While individual regulations (including purpose statements and a list of each zone) will be provided in Articles 9-14, this article is meant to address the particular considerations of the actual division of districts.

Specific Sections:

25.02.01 - Zoning District Map

This section will officially incorporate the zoning map along with all notations, references, and other information shown thereon. An explanation will also be given that any data shown on the map is to be given as much legislative weight as if incorporated into the text of the Zoning Ordinance itself. (Current §25-273)

25.02.02 - Zoning District Boundaries

Where uncertainty exists as to the boundaries of any of the zones shown on the zoning map, this section will provide rules on which to base determinations. Generally, boundary lines are designated as street, alley or lot lines unless boundary lines are fixed by dimensions, as shown on the zoning map. The current method of determining lot boundaries does not place zoning districts on streets located between zone boundary lines (but measures zones up to the street line). (Current §25-274(1-3))

25.02.03 - Lots Divided by Zoning District Boundaries

In unsubdivided property or where a zone boundary divides a lot, the location of a boundary is determined by the use of the map scale to the nearest foot. (Current §25-274(4)). In addition to the text amendment portion of the Zoning Ordinance revision, there will be an update to the zoning map. The revised map should be more accurate to the current land divisions and significantly limit these instances.

25.02.04 - Properties Divided Between the City and County

This section will address the particular considerations of improving a property located both within and without the City corporate limits, and which was originally developed under regulations of the County. (Current §25-17). Currently, there is only one situation of a property divided between the City and County, located at the corner of Gude Drive and Southlawn Lane.

25.02.05 - Zoning of Annexed Land

Under Maryland law, no municipality annexing land may place that land in a zoning classification which 1) permits a land use different from the use or 2) permits a substantially higher (not to exceed 50%) density than could be granted for the proposed development under the County's zoning classification, applicable at the time of annexation, without the express approval of the County Council, for a period of 5 years following annexation.

The Planning Commission will make a recommendation to the Mayor and Council of the appropriate zoning classification for that property. The current regulations on this topic can be found at §25-99. A reference to hearing requirements found in Article Five will be provided here.

Both the Planning Commission and Mayor and Council must hold a public hearing on the recommendation. The Mayor and Council must 1) adopt a resolution enlarging boundaries and then may 2) adopt an ordinance amending the zoning map to include property and zoning classifications. A decision to amend the zoning map may be appealed in the same manner as appeals from other decisions of the Mayor and Council. Article 4, Approving Bodies. (Current §25-100)

The proposed zoning of the property will be included in the annexation plan to be provided to certain agencies 30 days prior to the public hearing to approve annexation of the property by a municipality.

Article Three - Definitions

Contents:

1. Purpose (N)
2. General Rules of Interpretation (N)
3. Words Defined (n)
4. Terms of Measurement (n)

General Commentary: This chapter will contain important terms used in understanding and administering the regulations of the ordinance. Good, clear, understandable definitions are important to provide a fair application and interpretation of the ordinance for the public and consistency in decision-making. The list of definitions should provide specific terms relevant to the ordinance, and not words that are used in the context of their general meaning. If the general meaning applies, there is no need for a specific definition. Definitions should include only enough language to identify the term; regulating language belongs elsewhere in the ordinance. The revision will also add and delete definitions where necessary and develop illustrations for some terms. As this revision is more a “re-write” of the current ordinance than a revision, new terms will be used to facilitate the understanding of changes.

Specific Sections:

25.03.01 - Purpose

The purpose of this chapter is to provide guidelines for word interpretation.

25.03.02 - General Rules of Interpretation

This section will address general issues related to the interpretation of the ordinance’s language including:

- A. The use of plural and singular nouns;
- B. The meaning of conjunctions;
- C. The application of common meanings if not defined within this section;
- D. The use of gender terms;
- E. The difference between common command words like may, should, shall, and must; and
- F. In case of conflict between headings, illustrations, and text, the text shall control.

25.03.03 - Words and Terms Defined

This section will include terms used throughout the ordinance. The terms to be included here will clarify current confusion within the Zoning Ordinance and reflect new uses and the changing character of use classifications. New definitions will be added, as appropriate, and useless definitions will be deleted. In addition, revision to the ordinance will add illustrations to clarify complex terms and concepts.

As the particular terms to be used in the ordinance are not clear until the language has been drafted, this section will be one of the last reviewed. Reference for this section will initially be based on 1) the current definitions found in §25-1 and 2) the proposed definitions recently created by staff, though they will be reviewed for consistency with the final document. (Current §25-1)

Though far from inclusive, some of the terms that have been identified for review are: alteration, construction, reconstruction, demolition, secondary uses, accessory uses, buildings, and structures.

25.03.04 - Terms of Measurement and Calculation

This section sets out measurement requirements from the other definitions to determine how to calculate measurements in the City. Rules of measurement, while seemingly mundane can be critical. For example, should height be measured from the original natural grade or from finished grade? How are setbacks measured, from lot line or from front door to front door? Rules of measurement will be provided for each type of measurement listed in the dimensional standards tables that is not clear to the average reader. These could include: lot area, lot width, lot depth, lot lines (front, side, and rear), building coverage, total lot coverage, setbacks, and height.

A. Rules of Measurement

All measured distances should be to the nearest integral foot. If a tenth of a foot is measured, it should be rounded to the nearest foot (whether up or down).

B. Height

The current definition of building height will be maintained – the vertical distance between the street grade at the front of the building to the mean height between eaves of a roof. Buildings that are setback 35' or more (such as accessory structures) are measured from the average elevations along the front of the structure. A reference will be made in this section to the exceptions of height requirements provided for certain rooftop structures which regulations can be found in the encroachment section of Article 9. (Current §25-1, definition of “encroachment, permitted” and §25-18)

C. Calculations

Where particular calculations are required to determine density, floor area ratio, impervious surface coverage percentages, etc. this section will provide a list of formulas to arrive at the necessary figures.

1. *Yard Calculations* - Current lot calculations considerations would be included here, such as §25-19 requirements that when calculating yard requirements, no yard or other open space on one lot will be considered as meeting the requirement of yard/ open space for any other lot.
2. *Lot Area* - In addition, one of the important calculations to consider is lot area in calculating floor area ratios. Whether to include wetlands, forests, and/or

stream buffers to determine the buildable area of a lot is one consideration in lot area.

3. *Parking Spaces* - Also included will be the means to calculate the number and dimensions of parking spaces. For instance, determination of the number of employees computed on the basis of maximum number of persons at any one time (Current §25-393). Likewise, the consideration of curbs in parking and sidewalks in determining parking space size is an important parking space calculation. (Current §25-411)
4. *Time* - Importantly, the method to calculate time will be provided here. Whenever a number of days are specified in this Zoning Ordinance, or in any permit, condition of approval, or notice issued or given as provided in this Zoning Ordinance, the number of days will be calculated as calendar days, unless business days are specified. Time limits will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business. An alternative way of saying this is that, in calculating a period of time:
 - The first day shall not be counted;
 - The final day shall be counted; and
 - Weekend days and holidays shall be counted.

Article Four - Approving Bodies

Contents:

1. Mayor and Council (N)
2. Planning Commission
3. Board of Appeals
4. Historic District Commission
5. Sign Review Board
6. Chief of Planning (N)
7. Other Authoritative Bodies (N)

General Commentary: This article will consolidate the development review responsibilities of the authorizing boards and bodies into one place. The two review committees agreed to maintain the text of this section, instead of displaying the information in a table format. A table of this information will be provided in Appendix A. For an overview of the authority of each board, currently found in the Zoning Ordinance, see Appendix B of this outline.

The Chief of Planning and the Mayor and Council have been added to this Article because they have had and will continue to have authority over a variety of zoning development approvals. This section, outlining their authority and referencing any other applicable sections of the Code of Rockville, is meant to provide guidance for their authority. It should be noted that the authorization of the Chief of Planning and the Mayor and Council does not limit the authority granted to other boards or commissions under state law.

In addition, a reference has been included in this Article to other Authoritative Bodies, such as the Traffic and Transportation Board, Parks Board, and the Environment Commission. These boards and commissions provide review and input on some aspects of certain kinds of development approval. The reference to these boards is meant only to alert the reader that these other boards may have an impact on the approval of certain applications.

When drafted, the requirements of this Article and the requirements of Chapter 3, “Administration,” Article 2, “Boards, Commissions, Etc.” will be compared. Where necessary, the zoning revision may recommend that Chapter 3 be revised; or this Article may be amended slightly to ensure that there is no duplication of the information provided in Chapter 3. At the least, there will be a reference to the other Code section in this Article.

Specific Sections:

25.04.01 - Mayor and Council

A. Power and Duties

The Mayor and Council have the power to make broad policy decisions for the City. Article II of the Charter of the City of Rockville, pertaining to the powers and duties of Council, will be cross-referenced. In addition, the Mayor and Council have approval authority over issues that will have a broad impact on the City, as a

whole. For instance, they have approval authority over the concept stages of planned developments that will increase the City's population and impact public infrastructure. In addition, they are authorized to adopt citywide policy through legislative amendments to the Zoning Ordinance and city plans such as neighborhood plans and the Master Plan.

B. Decisions

As stated above, the Mayor and Council have two roles – administrative authority and legislative and other policy. Particular sections of the ordinance have specific deadlines for administrative decisions of the Mayor and Council (for example, map amendments in the current §25-125). This section will reference those deadlines. There are no deadlines for legislation and other policy decisions.

C. Appeals

Appeals of land use decisions made by the Mayor and Council (approval of annexation zoning, adoption/amendment of the Master Plan, etc.) may be made to the Circuit Court. (Current §25-100)

25.04.02 - Planning Commission

This section will provide an explanation of the particular considerations of the Planning Commission. In particular, the following issues should be addressed in the drafting stage of this Ordinance. (Current §25-36 thru §25-39)

A. Purpose

The Planning Commission is created to provide analysis and recommendations to the Mayor and Council and to render final decisions on Planned Development applications. In addition, the Planning Commission must review aspects of proposed development including, but not limited to, present and projected growth of the City, site planning, and the relationship of the development to the surrounding environment and the community. The Commission assists the Mayor and Council and the Board of Appeals with advice and recommendations regarding general land use policies and applications where the Commission has recommendatory power, and renders decisions on specified applications where the Commission has decision-making authority.

B. Powers and Duties

The powers and duties of a Planning Commission, established under state law and the Rules of Procedure will be provided here. The general powers are listed above.

C. Membership

The Commission consists of 7 members, appointed for staggered terms of 5 years each. A chair is selected by the Commission members for one year and is eligible for reappointment.

D. Meetings

The adopted rules for the Planning Commission, which explain how meetings should be conducted, will be referenced here. A reference to the hearing procedures to be provided in Article 5 will also be provided here.

E. Decisions

Timelines for decisions will be provided both here and under each procedure section. Current requirements of §25-38 to promptly consider and act upon any request for approval will be referenced here as well.

F. Appeals

A person (to be defined with standing limitations) aggrieved by the decision of the Planning Commission for a use permit may file a petition with the City Clerk to have the decision reviewed by the Mayor and Council. All other decisions of the Planning Commission may be appealed to the Circuit Court for the County.

25.04.03 - Board of Appeals

This section will provide an explanation of the particular considerations of the Board of Appeals. In particular, the following issues should be addressed in the drafting stage of this Ordinance. (Current §25-51 thru §25-57)

A. Purpose

The Board of Appeals is created to review variances and special exceptions in compliance with the purposes and policies of this Zoning Ordinance and state law. The Board also is established to review all administrative decisions made pursuant to the Zoning Ordinance.

B. Powers and Duties

The Board of Appeals has all the powers and duties provided by state law. This section will specifically list these provisions and include new allowances for minor amendments to special exception applications and will refer to state law and the Rules of Procedure adopted for the Board of Appeals.

C. Membership

The board consists of 3 members and 1 alternate. Terms are staggered and members appointed to 3-year terms. A Chair is elected by and from the appointed members. The Chair serves for 1-year terms and is subject to re-election.

D. Meetings

Adopted rules for the Board of Appeals, which outline how meetings should be conducted, will be referenced here. The specific requirements for hearings (required for variances, appeals, and special exceptions) will also be outlined in this section. In addition, the requirement that all proceedings before the Board be filed on standard forms and contain what information the Board may require will be

provided here. A reference to the hearing procedures to be provided in Article 5 will also be provided here.

E. Planning Commission Recommendations

The Planning Commission may file a written recommendation regarding any matter before the Board of Appeals so long as the recommendation is received in the application file at least 7 days prior to the meeting or hearing.

F. Decisions

A decision of the Board expires and becomes void unless implemented by a building permit or use permit or establishment of the use. Use permit applications must be filed within 6 months from the Board's decision. Building permits must be issued and construction started within 12 months of the date of Board's decision. If a Building permit is not required, the use must be established within 12 months of the board's decision. Not more than 2 extensions of a maximum 6 months each may be granted. A question for the revision is whether to have one time frame for all expirations.

G. Appeals

The processes for appeals will be provided here for each type of appeal allowed under state law.

25.04.04 - Historic District Commission

This section will provide an explanation of the particular considerations of the Historic District Commission. In particular, the following issues should be addressed in the drafting stage of this Ordinance. (Current §25-71 thru 75)

A. Purpose

The Historic District Commission is created to preserve and protect the history and heritage of Rockville by preserving areas, structures, and sites of cultural, social, economic, political, architectural and historical significance; to strengthen and improve the local economy by stabilizing and improving property values in these areas; to foster civic beauty; and to promote the use and preservation of these areas for the education, welfare and pleasure of the public. These areas contain numerous structures and sites representing a variety of historic and architectural periods that, once lost, cannot be replaced.

B. Powers and Duties

The Historic District Commission has all the powers and duties provided by state law. In addition, the HDC often assigns tasks to staff to administer with regard to historic properties. This section specifically lists these provisions and will reference state law and Rules of Procedure adopted by the Historic District Commission.

C. Membership

The Commission consists of 5 members who possess certain skills or knowledge in applicable fields. Certain qualifications will be provided which demonstrate that skill or knowledge as currently provide in §25-72 and 66B. Each member is appointed for 3 years, in staggered terms. The Mayor appoints a Chair from among the Commission's members who is confirmed by the Council. The Chair is elected for a 1-year term and may be reappointed.

D. Meetings

Adopted rules for the Historic District Commission, which outline how meetings should be conducted, will be referenced here. A reference to the hearing procedures to be provided in Article 5 also will be provided here.

E. Decisions

A timeline for decisions to be made will be provided here and under the individual sections of the ordinance regarding the particular process.

F. Appeals

Any person aggrieved by any decision of the Commission may appeal the same to the Circuit Court.

25.04.05 - Sign Review Board

This section will provide an explanation of the particular considerations of the Sign Review Board. In particular, the following issues should be addressed in the drafting stage of this Ordinance. There are no Rules of Procedure adopted by the Sign Review Board so all procedures must be provided in the ordinance. (Current §25-81)

A. Purpose

The Sign Review Board is created to review proposed signs and sign amendments to ensure compliance with the requirements and purpose of the Zoning Ordinance.

B. Powers and Duties

The Sign Review Board is responsible, at the request of the applicant or City, to 1) review applications for a sign permit and 2) hear and decide applications for modifications of sign requirements from the provisions of the sign regulations (although a prohibited sign may not be permitted in any circumstance).

C. Membership

The Sign Review Board consists of 3 members and 1 alternate all appointed by the Mayor, subject to confirmation of the Council. Each member is appointed for 3-year terms. The Mayor appoints the Chair, subject to confirmation by the Council. There are particular qualifications required for each member. Two members are considered a quorum.

D. Meetings

Specifically outlined in the current ordinance, the Board must meet at least once every 6 weeks unless there is no business to address. A reference to the hearing procedures to be provided in Article 5 will be provided here including application, notice of application, hearing and decisions.

E. Decisions

All actions/decisions of the Board will be provided in writing within 10 business days from the completion of the hearing. Approval may be subject to conditions. Denial must specify the reasons for denial.

F. Appeals

Decisions may be appealed within 10 business days after the decision is rendered. Appeals are to be heard (de novo) by the Board of Appeals, subject to set requirements of application. The Board of Appeals must render a decision within 10 business days following the completion of the hearing. Any problems with the conduct of the Board of Appeals may be appealed to the Circuit Court.

25.04.06 - Chief of Planning

A. Powers and Duties

Administration of the Zoning Ordinance is the responsibility of the Chief of Planning. Particular references to the Chief's authority will include the responsibility to:

1. Make administrative interpretations of regulations (requirements of which are found in Article 6) including use determinations of unclassified uses,
2. Make interpretations of conditions of approval.
3. Review and approve use permits where authorized to do so (see use permits in Article 7).
4. Make administrative adjustments, where allowed in the ordinance (this is a new provision that will be outlined in Article 6).

B. Decisions

If there are any time requirements for decisions of Chief of Planning to be made, those requirements will be provided here.

C. Appeals

Appeals of interpretations by the Chief of Planning may be made to the Board of Appeals though the Planning Commission has the right to hear an appeal of the Chief of Planning's interpretations with regard to use permits.

25.04.07 - Additional Approving Bodies

There are a number of other bodies that will have review authority over some zoning applications. These bodies include both boards (such as the Traffic and Transportation Board, the Commission on the Environment, and the Parks Board, etc.) and individual

staff representatives administering other applicable chapters of the Code of Rockville (the Building Code, the Stormwater Management Ordinance, the Forest and Tree Preservation Ordinance, Street Standards, etc.). This section is currently included to provide information to anyone with a new development application of what additional types of approval they will need to receive. The detriment to placing this information in the Zoning Ordinance is that if any of these approving authorities is later changed (in name only or in substance so that they no longer review zoning applications) this section will need to be amended. The Zoning Ordinance requires a detailed and lengthy procedure to amend so changes in this language will not immediately take place and may cause confusion. An alternative is to maintain a separate list, outside the Zoning Ordinance, which can be provided to all applicants for a zoning application.

Article Five - Application Process

Contents:

1. Applications
2. Filing Requirements
3. Public Notification of Applications
4. Amendment of Applications
5. Access to Application Files
6. Simultaneous Processing of Applications
7. Hearing Procedures
8. Conditions of Approval
9. Notification of Decision
10. Withdrawl of Application
11. Amendment of Approved Application
12. Lapse of Approval
13. Reconsideration of Decision
14. Appeal
15. Certain Defects Not Jurisdictional

General Commentary: As determined through the Competing Policy White Paper discussion, simplicity and streamlining are goals of the zoning revision. An efficient method of regulating is important to establish in the administration article. Efficiency in administration is achieved when the general framework for development permitting is not redundant, the procedures used and the review standards included result in a reasonable degree of certainty, and when the review process for each type of permit is streamlined to the greatest extent possible.

This article will include review and approval procedures. Guidelines need to be established for the acceptance of applications, as reviewed by the Chief of Planning, to initiate a land use proceeding. These application requirements include references to fee schedules, approval of application forms, and authority to file. Applications will contain such information as may be required. There are established requirements of notice and hearing regulations. After a hearing is conducted, there are requirements of notification of decisions, conditions that can be placed on approval, and lapses of approval that may occur on the failure to act by the applicant. Many hearing and decision requirements in this section are taken from the current text and map amendments section of the current ordinance. A question to be determined in the drafting stage is whether the revision should apply these standards to all applications or only certain applications.

From discussions with the RORZOR Committee, as this article is drafted, there will be consideration of pre-application conference requirements. This may add one or two new sections to this article. Included may be a requirement for developers to provide a list of dates for which they will be available to discuss the project with citizens of the community. In addition, the requirements of the article may include staff pre-application meetings.

Concerns about these requirements have been the amount of details that the developer must have ready to provide at the pre-application stage.

In addition, the drafting of this Article will review the notification requirements. The RORZOR Committee would like to ensure that there is consistency in the amount of notice and to whom the notice is sent.

Specific Sections:

25.05.01 - Applications

Current regulations scatter similar requirements throughout the ordinance. This section would establish a common set of procedures for the review of applications for development approval.

A. Authority to File Applications

Establish rules for who has the ability to file an application. In other words, explain that the applicant must be an affected party such as an owner or the owner's agent (architect, contractor, lawyer, etc.) unless stated differently elsewhere. (Current §25-141 for text amendments). Anyone other than the owner must have written authorization to file.

B. Application Contents and Submission Schedule

Throughout the current ordinance, the regulations state that the Mayor and Council must approve application forms (except for CPD and subdivision applications which are approved by the Planning Commission). Applications are also to be accompanied by such fees as determined by Council. A single section dedicated to the requirements of applications and where to find necessary forms and fees can reduce redundancy. (Current §§ 25-55(f), 81(d), 92)

One consideration for the revision is to have staff develop the forms. If possible, the adoption of applications should be by resolution (so that the revision of this procedure does not have to meet the text amendment procedures to change the ordinance).

C. Fees

Fees are established and amended by Mayor and Council from time to time. Though the actual fee schedule does not need to be included in regulations, the locations of where the fee and application information can be obtained should be referenced in the Ordinance. Fees should be set by resolution by the Mayor and Council (so that the Zoning Ordinance does not have to be amended every time the fee schedule changes).

25.05.02 - Filing Requirements

The appropriate agent, timing, and additional requirements for the filing of applications, both by the applicant and within the City, should be addressed. While

new applications do not have a timeline for filing, there are timing requirements for submission of the application between different boards within the City and for the applicant to file an application for appeal. Appendix C provides a list of the *current* submission and timing requirements for filing under the current zoning regulations. This chart should be reviewed to determine where streamlining can be accomplished and will be changed as certain applications may be modified and others added.

Following a review of submissions requirements, the requirement for the Chief of Planning to prepare a staff report and present it to the applicable review board should be outlined. The time of review of the application can vary between different types of development requests. The next step in the development review process, scheduling a meeting or public hearing(s), should also be referenced in this section so that readers know where to find information on the next stage of the application process.

25.05.03 - Public Notification of Applications

Public notification requirements are scattered throughout the current ordinance within the sections describing the individual review procedures. This proposed section could consolidate notice requirements in a chart similar to the table found here or could specify the requirements in an outline fashion similar to what is found below. Language of this section should be clear regarding notification requirements of “public hearings” and for “public meetings.”

One priority of this section will be to outline exactly what boards have responsibility to notify and how they must notify the public. For instance, the Mayor and Council have special requirements for notice, which are located in a separate section of the Code of Rockville. That section will be referenced here. In addition, many of the notice policies of the Planning Commission and Historic District Commission have been by practice and not by requirements. To place these requirements in the Zoning Ordinance would make the methods of notice mandatory. Where 66B clearly defines and specifies notice requirements, those provisions will be provided here. Where the notice is policy of the City, those provisions will not be included here.

In addition, the types of applications will determine the types of notice. Currently, only special exceptions and variances require notification to property owners within a 200 foot radius. For example, there is the requirement for such notice of hearing to revoke a special exception for failure to comply with conditions of approval. (Current §25-339)

A concern of the RORZOR Committee has been the developers’ interaction with the public. While the Committee does not want to force the citizens of the community to negotiate with developers, they do want to encourage more discussion prior to public hearings. The proposal is to require the City to send out to HOA and Civic Association contacts, a notification of filing and an indication of when the developer will have open meetings with the community. Part of the requirement would be that the developer, as part of their filing, would have to have a number of open meetings at easily accessible

times and places for people to come in and have a briefing on a project and share their concerns. The next stage would be to come before the body of approval. The remaining issues with the developer will be resolved by the public process. The notice part of this requirement could be organized into this section while the filing requirement for the developer would be placed elsewhere. Currently, staff encourages developers and other applicants to meet with residents and neighborhood associations, though these meetings are not required.

A. Newspaper Notice

Where publication in a newspaper of general circulation is required, Maryland law will guide the regulations.

B. Mailings

Where written notice is required to property owners, the following will be specified in the ordinance:

- The timeframe for notice to be sent, and
- An explanation of who must receive notice. The current §25-122 (for current local and sectional map amendments) requires a certified mailing, and will be the guideline for this section.

C. Signs

Where signs are required for public hearing, this section will explain the requirements of sign postings. In particular, this section will explain:

- The location, dimension, and general text of the sign,
- Requirements for additional signs,
- The requirement of a deposit for the sign to the City Clerk,
- The requirement to maintain the sign until a decision is made, and
- The affidavit requirement that an applicant has complied with the requirements of public notice signs.

The regulations found in §25-56, §25-121, and §25-337, will the guidelines for this section.

D. Additional Notice

Through the drafting stage, there will be the consideration to include a general reference to the notice provisions provided not by regulation but by the policy of the City. These include electronic notice (including website postings of future meetings and a list of the types of permits / applications being considered by the City as well as listserv e-mails), postcards, and other alternative measures that may suit the best interests of the body to receive notice, for instance. Included here would be a reference to the notice of public meetings with the developer that will be sent by the City to HOA and Civic Association leaders. These requirements are expressly not jurisdictional as stated in §25.5.15.

Notice Requirements			
PC = Planning Commission, BOA = Board of Appeals, PRUD, RTD, and CPD = Special Development Procedures			
Application for Action	Mailed Notice	Published Notice	Posted Notice
BOA Variance Hearing	15 days before hearing (§25-55) ¹		3 days from application filing (§25-56)
Sign Application Hearing			3 days from application filing (§25-81)
PC Annexation Hearing		15 days before hearing (§25-99)	
Sectional Zoning Map Amendment	15 days prior to hearing (§25-122)		3 days from application filing (§25-121)
Failure to abate a violation of a condition to rezoning approval	15 days prior to hearing (§25-128) ²		
Preliminary Development Plan for Optional Method and Town Center Planning District	15 days prior to hearing (§25-326, 668, 682, and 710.30 ref. §122)		3 days from application filing (§25-326, 668, 682, and 710.30 ref. §25-121)
Mayor and Council variance for height requirements on wireless facilities	15 days before hearing (§25-333 ref. §25-55) ¹		3 days from application filing (§25-333 ref. §25-56)
Special Exceptions			3 days from application filing (§25-337)
Special Development Procedures			3 days from application filing (§25-488 calling SDPs special exceptions)
Exploratory Application for Development / Concept Plan application	15 days prior to hearing (§25-556, 623, & 653 ref. §25-122)		3 days from application filing (§25-556 PRUD, 623 RTD, 653 CPD ref §25-121)
Reconsideration of exploratory application (PRUD and RTD)	15 days prior to hearing (§25-565 and §25-626 ref. §25-122)		
Master Plan and Neighborhood Plan notification			
NOTE: 1. There are also allusions in some sections of the ordinance to state requirements. State requirements include the posting of notice in a newspaper of general circulation whenever planning regulations are determined, established, enforced, amended, or repealed. MD Code 66B § 4.04(b)(2)(i) 2. There are no posting time frames for PRUD sign posting (§25-556)., though it has been required through § 25-121 to be up within 3 days			

25.05.04 - Amendment of Application

An applicant may amend the application up to a set time prior to the meeting at which the approving body is scheduled to make a decision. The RORZOR Committee would prefer that the application not be amended after the application is sent out to the approving body in their work packet for a meeting. The purpose of this change to the zoning ordinance is to ensure fairness to the visiting public of a meeting to know what will be presented at a meeting. This new requirement will, in no way, limit the ability of the application to be modified at the meeting itself. It is the nature of the current

Development Review Committee to review, negotiate, and require amendments of the applications before the application is presented to the Planning Commission or Mayor and Council.

25.05.05 - Access to Application Files

All application files for amendments in the custody of the City Clerk are open to the public during regular office hours. Additional limitations on removal of the applications from the Clerk's office will be provided here. (Current §25-98). Again, this is one of the requirements of the current revision that applies to the map and text amendment applications. The question is whether this should be applied to other applications as well.

25.05.06 - Simultaneous Processing of Applications

This subsection will provide that whenever two or more forms of review and approval are required under the ordinance, applications for those development approvals may, at the option of the Chief of Planning, be processed simultaneously, so long as all applicable state and local requirements are satisfied. To be determined is whether there should be a limitation on the types of applications that can be processed together.

25.05.07 - Hearing Procedures

Current regulations for Board of Appeals' (§25-55), Sign Review Board (§25-81(f)), Historic District Commission, Planning Commission, and Mayor and Council's hearings (§25-93 and §25-94) will be outlined here. Reference will be given to the current requirements for establishing dates of hearings (Current §25-123 and §25-144). Different sections of the revised draft will provide any applicable time limitation for decisions.

25.05.08 - Conditions of Approval

This new section will describe *generally* the types of conditions that may be attached to certain forms of approval granted under this article. There are numerous types of conditions that have been applied in the City. To list all the possible conditions that may be placed on the various application types would 1) take up a lot of space in the ordinance and 2) not provide flexibility for additional conditions.

This section will specify that conditions imposed on proposed developments must be limited to those that are related in both type and amount to the impacts that the proposed development will have on the public and surrounding developments. Individual sections that allow conditions to be applied to approvals (like variance and special exceptions) will refer back to this section. In addition, regulations for violations of conditions will be provided here and reference Article 18, Enforcement. (Current §25-127)

The modification of conditions should also be considered. For special exceptions, the Board of Appeals may not currently modify the terms, conditions, restrictions imposed except by consideration of a new special exception (Current §25-339). One

recommendation from the white paper discussions was to allow the Board of Appeals to revise a special exception without hearing a new application.

25.05.09 - Notification of Decision

This subsection will require that the Chief of Planning notify the applicant, in writing, of the decision on an application for development approval within a specific number of days after the decision on the application. (Current §§ 25-57, 81, 95, and 337). There is currently no time frame required, but there needs to be flexibility in the revision.

Approval will start when the decision notification is rendered. There are currently no time limits for mailing a decision to all interested parties for Board of Appeals hearings, rezoning, special exceptions, exploratory or concept plan applications for development, sign permits or for the posting of an approved special exception on a map by Planning Commission (§25-337).

25.05.10 - Amendment of Approved Application

A new requirement for the zoning ordinance will be to list the procedure for amending an approved application.

25.05.11 - Withdrawal of Application

Provisions stating whether an application can be withdrawn will be provided here. Up to the time the application is approved, the application may be withdrawn. For certain applications (such as map amendments) when an application is approved, only the approving body may withdraw the approval. (Current §25-129 for map amendments). The revision should clarify that applicants have the authority to withdraw an application or void it, however the type of action will determine whether an application can be voided after approval. For example, things that affect a single property (special exceptions, variances, etc.) may be voided. Citywide impact applications (such as rezonings, special developments, etc.) may only be amended through the same process as the original approval.

25.05.12 - Lapse of Approval

Lapse of approval provisions will be included for all forms of development permits and approvals. In general, such provisions will state that approval lapses if development is not commenced or a subsequent permit is not obtained within specified periods of time. The following table provides the current approval lapsing standards and demonstrates how varied they are in the current ordinance.

Lapse of Approval				
Application	Action Required	Code §	Time Frame	Overseeing department
Building Permit	Building permit obtained and construction begun	§25-54	Within 12 months of BOA decision (construction must start w/in time)	(Building permits not referenced in current ordinance)
Local Map Amendment	Violation abatement of condition of zoning amendment	§25-128	60 days after violation notice	Inspection Services
Use Permit	Building permit obtained and construction begun	§25-193	2 years from approval of use permit (allow 2 extensions of 1 year each); 8 years must start all phases or void	Authorizing authority (PC, Mayor and Council, or Chief of Planning)
Temporary Occupancy Permit	Occupancy from Temporary Occupancy Permit	§25-224	Expires within 30 days of issuance, renewal only up to 60 days after initial approval	Inspection Services
Historic District Permit	Construction from Historic District permit	§25-336	Within 2 years of issuance of permit (allow 2 extensions of 1 year each)	Historic District Commission
PRU / RTH	Mayor and Council concept application approval	25-565	Within one year of final action by Council, the application may be reconsidered if the project is not complete within 10 years	City Clerk / Planning
Variable Lot Size / Cluster Development / PRU / RTH / CPD / I-3 / Optional Method	Planning Commission detailed application approval	25-568	2 years / 2 time extension of use permit and preliminary subdivision plan	City Clerk / Planning

25.05.13 - Reconsideration of Decision

Current standards of §25-96 will be applied here if it is desired for all applications. Currently, this only applies to text and map amendments. In particular, this section will address the 1) need to file a petition for reconsideration; 2) time frame to answer the petition; 3) action to be made on the petition; 4) Council's ability to reconsider any decision on its own motion; and 5) fact that the petition does not suspend the decision.

25.05.14 - Appeals

This section will make a general reference to the appeals processes. Whether the appeal time and appealing body will be listed here or whether a cross-reference to the Approving Bodies article will suffice, will be determined in the drafting stage.

25.05.15 - Certain Defects Not Jurisdictional.

Under current §25-97, no failure to comply with any requirement of this Article, except those requirements imposed by State law, is deemed a jurisdictional defect. Specifically not jurisdictional in this article are notice requirements above and beyond the requirements of state law found in 25.5.3(D).

Article Six - Common Procedures

Contents:

1. Ownership Plat Approval
2. Zoning Map and Text Amendments
3. Variances (n)
4. Special Exceptions (n)
5. Administrative Review (N)
6. Unclassified Uses
7. Administrative Adjustment (N)
8. Adequate Public Facilities

General Commentary: This Article is established to outline the requirements of common zoning procedures. These are the most frequent requests made by applicants in relation to the Zoning Ordinance.

Specific Sections:

25.06.01 - Ownership Plat Approval

The ownership plat is allowed where more than one building or building component is to be located on a single tract of land. The Planning Commission approves these plats. Prior to approval, a use permit and final subdivision plat (if applicable) must be approved for the entire tract of land. (Current §25-313 (c-f)). This section will be moved to the subdivision section of the Code; however a cross-reference to this requirement will remain here because it is not associated with a subdivision plat alone.

25.06.02 - Zoning Map and Text Amendments

This section will continue to require that the Planning Commission review and recommend text amendments and re-zonings and that the Mayor and Council make a final decision. As now, different review standards will be established in the revision for text amendments versus map amendments.

A. Text Amendments

Included in the regulations for text amendments will be the purpose of amendments, procedures, approval criteria, and effect of an amendment decision on successive applications (which will reference the transitional provisions of the zoning revision provided in Article 1). The Mayor and Council preliminarily (before a public hearing on the topic) will review the amendment. (Current §25-142 and 143). The amendment then is passed to the Planning Commission for their review and recommendation. The Planning Commission may revise the amendment to correspond with the organization of the ordinance if the proposal is to amend. Both the Planning Commission and the Mayor and Council must then hold a public hearing prior to adoption of the amendment (subject to the public hearing requirements of Article 5). Otherwise, the Planning Commission may make a

recommendation to the Mayor and Council prior to the public hearing. (Current §§25-144 and 145)

B. Map Amendments

Map amendments may be a single tract, a section of the City, or a comprehensive citywide amendment. (Current §25-116). Included in the regulations for map amendments will be the purpose of amendments, review standards, procedures, approval criteria (mistake or change) and some standard requirements for these criteria, and any other necessary regulations to clarify the process. While the Planning Commission or Council may file for all types of amendments, citizens may only apply for the local amendment and must have some interest in the property to be rezoned. (Current §25-117). There are limitations on applications for local amendments, provided in the current ordinance (§§25-118 to 120), that will be maintained in the revision, as applicable. Applications on which a hearing has been held may only be withdrawn by the City Council.

C. Hearing Requirements

For both text and map amendments, a hearing is required. The general requirements for an application, hearing, and notice (found in Article 5) will be applicable to amendment hearings though some additional requirements, such as that a stenographic report be completed, will be provided here. The Planning Commission may submit a written recommendation on either a text or a map amendment to be filed with the application and considered a part of the record on the application. (Current §25-124). The deadline for decision on the hearing will also be provided or referenced to the applicable section of the ordinance where deadlines are provided. (Current §25-125)

D. Action on Application

Current §25-94 states that an application shall be granted by ordinance, or denied, dismissed, or withdrawn by resolution of the Mayor and Council.

E. Conditions of Approval

Conditions may be imposed on the approval of an amendment subject to the overarching conditional requirements provided in Article 5. (Current §25-126 and §25-127). Unlike other land use approval conditions, the conditions for a zoning amendment must be adopted by resolution. A separate hearing must be held on the proposed conditions. (Current §25-128)

25.06.03 - Variances

A variance allows a property owner to deviate from the dimensional standards (yard requirements, setbacks, height requirements) of the Zoning Ordinance when the landowner demonstrates that, due to circumstances beyond the control of the landowner, the application of the existing dimensional standards creates a practical difficulty. Considerations for variances include their purpose, approval findings, and the provisions from which a variance may be granted. For instance, the particular

requirements for a height variance currently found in §25-18 will also be incorporated here.

When this section is drafted, staff will review the possibility of adding a waiver for handicapped needs that will likely be placed in the encroachments section of Article 9. When an applicant cannot meet the standards of this ordinance due to the addition of handicap ramps or other amenities, the applicant cannot generally meet the requirements of a variance. There is often no particular feature of the land that warrants the granting of a variance. As a result, staff will be reviewing methods to allow the handicapped applicant to deviate from the zoning requirements, where necessary. Another consideration for this draft will be whether a time limitation should be placed on the completion of a project.

A. Findings

The findings necessary to grant a variance will be listed. First, there must be practical difficulty to the owner if the terms of the Zoning Ordinance were applied to that property. Second, the spirit and intent of the ordinance must be satisfied even if varying from the regulations in the manner requested is approved. It is the recommendation of the approving bodies paper to no longer require comment by the Planning Commission on variances, though they will be given the opportunity to comment if they so chose.

B. Procedures

A general reference to hearing, notice, and sign posting requirements found in Article 5 will be provided. In addition, notice requirements for a decision will be referenced here (though they will be found in Article 5).

C. Zoning Map Indication

This section will explain the requirement and procedure to indicate approved variances on the zoning map.

25.06.04 - Special Exceptions

Special exception uses are those that are deemed generally compatible with the other uses permitted in a zoning district, but which require individual review of their location, design, configuration, density, and intensity of use. Special exception approval may require the imposition of conditions pertinent thereto in order to ensure the appropriateness of the use at a particular location.

Through the revision, staff will be reviewing the current special exceptions to determine 1) if these uses are still applicable to the City and 2) whether they should be made permitted or permitted with conditions. If made permitted, they will still be subject to use permit review by the Planning Commission.

Particular regulations of special exception to be included will be taken from the current ordinance and include:

A. Approval

The Board of Appeals must approve a special exception. (Current §25-336)

B. Findings

The findings necessary to grant a special exception will be listed. These will include those listed in current §25-338.

C. Conditions

The ability to place conditions on approval will be provided. Current standards found in §25-339 will be included and general condition regulations in Article 5 will be referenced.

D. Procedure

A general reference to hearing and applicable notice requirements found in Article 5 will be provided. In addition, notice requirements for a decision and a requirement that a zoning map indicate a special exception will be included. (Current §25-337)

E. Amendment

It is the recommendation of the Approving Bodies Issue paper to provide the Board of Appeals with more oversight in the special exception amendment process. Currently, any changes to an approved special exception require a new application and de novo review of the application. The revision will include some administrative process where 1) the Chief of Planning can determine whether the appeal is a minor or major amendment and 2) the Board of Appeals can review minor amendments without requiring a new application process.

F. Particular Special Exceptions

A general reference to the list of particular special exception requirements will be provided here for each type of district:

- *Single-Family Residential Districts* - Found in Article 10
- *Attached Residential Districts*- Found in Article 11
- *Single-Use Non-Residential Districts* – Found in Article 12
- *Mixed-Use Districts* – Found in Article 13

G. Zoning Map Indication

The Planning Commission should indicate in the proper place on the map, any approved special exception. (Current §25-337)

25.06.05 - Administrative Review

This section should discuss particular requirements to administrative review. In particular, this section will authorize the Chief of Planning to interpret the text and determine zone district boundaries where there is subject for interpretation. These interpretations may be appealed to the Board of Appeals. A record of written interpretations in a formal notebook is suggested. First, this can be referred to when

making future interpretations to ensure consistency in the application of the ordinance. Second, these interpretations provide a guide to provisions that may need future amendments.

25.06.06 - Unclassified Uses

Where uses are not specifically listed in the use tables for each type of district, this section will address the procedure by which the Chief of Planning may classify unlisted uses and initiate amendments to the ordinance, if such uses are common.

Where a particular use category or use type is not specifically allowed under this Ordinance, the Chief of Planning may permit the use category or type upon a finding that certain criteria are met. The Chief will make determinations on the characteristics of the use and must record the determinations. The Chief of Planning must give due consideration to the intent of the Ordinance concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question. Assessments should be made on the consideration of associated sales; processing done on premises; storage and outdoor display; the type, size and nature of buildings and structures; number of employees and customers per unit area in relation to business hours; transportation and parking requirements; nature and amount of nuisances to be generated; utility requirements; and any additional impact on adjacent properties. Certain, more common uses would require a text amendment; while uses unlikely to recur would create precedent but not reach the level of an amendment procedure.

25.06.07 - Administrative Adjustment

A new provision for the zoning revision will be to authorize the Chief of Planning to make administrative adjustments, as recommended in the Approving Bodies Issue Paper. Included in this section will be the State's requirements for administrative adjustments and will likely be based on the City of Annapolis' regulations. Those regulations outline: 1) the purpose and authority to have administrative adjustments; 2) procedures for adjustment; 3) the types of permitted administrative adjustments and the percentage up or down from the current standards from which the Chief of Planning is allowed to adjust the standards; 4) review criteria of the adjustment; 5) an expiration time for the approval; and 6) a means to appeal the adjustment.

25.06.08 - Adequate Public Facilities

The newly adopted adequate public facilities provisions will be incorporated into the zoning revision in this section. Modifications to the language will be solely on the organization necessary to make it consistent with the other revision modifications. Included in these regulations will be the purpose statement, adoption of standards, applicability of requirements, validity periods, and time extensions. A consideration for the revision raised by the staff committee is whether this section should be in its own article or here, under common procedures.

Article Seven - Permits

Contents:

1. General Permit Requirements (n)
2. Building Permit (N)
3. Sign Permit
4. Use Permit
5. Temporary Use Permit
6. Occupancy Permit
7. Temporary Occupancy Permit
8. Historic District Permit
9. Nonconformity Amendment Permit (N)
10. Additional Permit Requirements (N)

General Commentary: A permit, with regard to the Zoning Ordinance, is an authorization of a use or construction on a site. To obtain a permit, an application must be submitted to the applicable department of the City. Upon inspection by the Chief of Planning, ensuring that the requirements of the permit are met, and payment of a set fee, the permit will be issued. Regulatory considerations of permits include 1) the general administration of the permit (to whom to apply, what fees and application are required, etc.), 2) requirements for approval (guidelines stating who should receive the permit, what standards need to be met to gain approval, etc.), 3) the time frame for approval (whether approval will lapse after a set time), any special requirement for conditions of approval. One consideration for the revision is whether any of these requirements should be added or removed in the ordinance for any specific permit types.

According to the current regulations the following permits are required for all applicable developments. The benefit of having a list of permits in one place is to provide applicants a reference to what approvals they will need to apply for even if they meet the additional base zone requirements provided elsewhere in the ordinance.

If there are any other references to any of these permits in other chapters of the Code, those additional chapters will be referenced in this Article.

Specific Sections:

25.07.01 - General Permit Requirements

A. Purpose

Land use permits provided in this Article provide an expeditious method for the review and approval of various land use development. It is intended to promote the development of land in a manner that accomplishes the goals of zoning established in Article 1.

B. Notice of Application

One discussion for the revision has been to include more notice to adjacent property owners of applications for permits. Notice requirements of sign posting (found in Article 5) will be one solution considered.

C. Amendments

This section will address the amendment requirements of both pre-approved and post-approved permits. If there will be different standards of amendment for different permits, those requirements will be found under the individual permit sections below.

D. Conditions of Approval

Permits may be subject to any condition that the Chief of Planning finds necessary to protect the public health, safety and welfare of the community. (Current §25-209, 224, 236(b))

D. Enforcement

Enforcement provisions of approved permits are found in Article 18.

25.07.02 - Building Permit

No structure may be erected or altered in the City until a building permit is issued for such construction pursuant to the provisions of Chapter 5 of the Code of Rockville. All that will be provided in the Zoning Ordinance is this cross-reference to ensure that all development knows they must comply with this permit requirement in addition to the other permit regulations provided in this Article.

25.07.03 - Sign Permit

The sign permit section of the current ordinance (§25-462) will be maintained to a large extent. The differences will come in the organization of the sections.

25.07.04 - Use Permit

Under the current regulations of the Zoning Ordinance, authorization for a use other than a one or two family house requires a use permit. Different uses are reviewed by either: 1) the Mayor and Council, 2) the Planning Commission, or 3) the Chief of Planning. The Chief of Planning has reviewed the current process for a use permit, and agreed to maintain the current system. Particular regulations to be included in this section include 1) who reviews each application, 2) the requirements for approval, 3) allowances of conditions to approval, and 4) issuance requirements such as term of effectiveness. A “use permit” is treated more like a site plan review in the City. One consideration for the revision is to rename this process to “review” not “permit.” In that situation, more uses would be considered permitted by right or in conditions of approval.

A. Requirement

No structure or land may be used or any building constructed or altered until the plans and specifications for the use are approved by the issuance of a use permit. One and two-family uses do not require a permit. Temporary uses require a temporary use permit. (Current §25-191). Particular findings for different use permit approvals will be found here as well. (Current §§25-681 and 710.31)

B. Application

This section will specify what requirements must be met and which applications must be submitted to the Planning Commission, Mayor and Council or the Chief of Planning for review. (Current §25-192)

C. Issuance

Findings for issuance of a permit will be provided here (i.e. when issuance becomes void for failure to initiate construction or operation under this approval). No deviation of the approved plans may be permitted without special approval. (Current §25-193 a & c)

D. Conditions

Applicable conditions may be placed on a use permit, as necessary. (Current §25-193(b))

E. Term of Approval

The time frames for approval will be provided here. Different periods exist for single and multi-phase developments (Current §25-193 d & e)

25.07.05 - Temporary Use Permit

Currently entitled “Temporary Permit” under the current standards, this section will address the permit process for uses of limited duration. Time frames may vary from a number of times a year to a number of consecutive months. Clear references in the use chart of the types of uses that will require a temporary use permit and the time requirements for each use should be provided in the revision.

A. Requirement

No structure or land may be used for a temporary use (to be clarified in the draft language) without approval of a temporary use permit. (Current §25-251)

B. Application

Applications are to be submitted to the Chief of Inspection Services. (Current §25-252)

C. Issuance

A list of compliance requirements for approval will be included here. Time frames for approval will depend on the use. (Current §25-253)

D. Conditions

Applicable conditions may be placed on a temporary use permit, as necessary.

E. Term of Approval

There is currently no limitation for term of approval for temporary use permits. The current term for temporary occupancy permit requirement is that the permit is valid for no longer than 30 days with the possibility of one renewal.

25.07.06 - Occupancy Permit

Occupancy permits are required before a use may be established or a building may be used. The Chief of Inspection Services Department issues occupancy permits. Like other permits, special conditions may be attached to approval.

A. Requirement

No structure or land may be occupied until an occupancy permit is issued. These permits are required when a building or site is constructed, altered in structure, use, ownership and tenancy. (Current §25-206)

B. Application

Applications are submitted to the Chief of Inspection Services after the construction or alteration of the structure or, for unimproved land, after issuance of the use permit. (Current §25-207)

C. Issuance

An occupancy permit may be issued if the erection or alteration of the structure's site is completed in accordance with the provisions and conditions of the use permit and the provisions of the Code of Rockville and other applicable laws. (Current §25-208). This requires the concurrence of other departments of the City.

25.07.07 - Temporary Occupancy Permit

Temporary Occupancy Permits are the same in function as Occupancy Permits, but are limited in duration to only a few months to a few years. Again, special conditions may be attached to approval.

A. Requirement

No structure or land may be occupied for a temporary amount of time until a temporary occupancy permit is issued. These permits are issued when a delay in the issuance of an occupancy permit would result in peculiar and exceptional difficulties or undue hardship except for single-family dwellings. (Current §25-221)

B. Application

Applications are submitted to the Chief of Inspection Services. (Current §25-222)

C. Issuance

A temporary occupancy permit may be issued if peculiar and exceptional difficulties or undue hardship would result if not issued; all conditions for granting of use permit have been met; and granting the application would not impair the intent or purposes of this Ordinance or any other applicable law. (Current §25-223)

D. Conditions

Applicable conditions may be placed on a temporary occupancy permit, as necessary.

E. Term of Approval

The current term for temporary occupancy permit requirement is that the permit is valid for no longer than 30 days with the possibility of one renewal. (Current §25-224)

25.07.08 - Historic District Permit

No construction, alteration, reconstruction, demolition, or other exterior change (all which need to be clearly defined in the definitions article, Article 3) to a structure may take place in a Historic District within the City without a Historic District Permit. Issued by the Historic District Commission, these regulations allow for conditions to be attached to approval of the permit, and time limitations for construction after approval.

A. Requirement

No construction, alteration, reconstruction, demolition or other exterior change (such as moving) of a structure may take place in a historic district that would affect the exterior appearance of a structure from an adjacent public way until this permit has been issued. (Current §25-236)

B. Application

Applications are submitted to the Historic District Commission. (Current §25-237)

C. Issuance

An Historic District Permit may be issued in accordance with the provisions of all applicable sections of the Code of Rockville (i.e. the construction must meet all requirements of the all Chapters of the City Code). (Current §25-238)

D. Conditions

Conditions may be attached to approval as may be reasonable and necessary to ensure the proposed action is consistent with the purpose of the Historic District Permit.

E. Term of Approval

Construction must be commenced within two years after the issuance of an Historic District Permit with two extensions possible of a year each.

25.07.09 - Nonconformity Alteration Permit

Because different nonconformities have different effects throughout the City, this newly proposed permit process will allow some form of case-by-case review of alterations to nonconforming uses and development standards. In particular, this permit will allow the City to review the public burden of continuing the nonconformity versus the cost to the owner to bring the nonconformity into compliance.

Many citizens may not realize they have a nonconformity until they decide to change it. The need for this permit will be assessed with the applications for a building, use, or occupancy permit. It is still to be determined if the Nonconformity Alteration Permit should be approved at the staff level or at the Planning Commission level.

Though the Nonconformity Alteration Permit developed through the white paper discussions, the particular policies expressed in the nonconformities section of Article 8 are taken from the 2002 proposed nonconformities amendments. These general nonconformities requirements in Article 8 will be referenced here.

25.07.10 - Additional Permit Requirements

There are additional permits, for which a development may be responsible, the requirements of which are found in other chapters of the City Code. References will be provided here to the other permits and the location of their requirements in the City Code. Included in this section, or potentially in individual sections of their own, will be references to land disturbance permits (i.e. grading, sediment control and major tree removal) and demolition permits.

Article Eight - Nonconformities

Contents:

1. Grandfathered Provisions (N)
2. General Nonconformities (n)
3. Nonconforming Uses (n)
4. Nonconforming Development Standards (n)
5. Amortization (N)

General Commentary: This Article will address both grandfathered provisions and nonconformity regulations. Though many people use the terms “grandfathered” and “nonconforming” interchangeably, there is a difference between the two. While both allow existing land uses, lots, structures, or lot features to remain in existence without coming into compliance with updated zoning requirements, grandfathering a use or structure that is otherwise illegal, makes the continuation of that use or structure legal. In other words, grandfathering is intended to confirm the legality of development in cases where the zoning standards have been subsequently modified, and the development does not conform to the new standards. Where properties are affected by a comprehensive rezoning or an amendment to the zoning text, a grandfathered development is confirmed under the standards under which it was originally developed. Grandfathered uses or structures may be modified (in most instances within the guidelines of the original zoning in effect at the time the property was originally developed) without losing their legal authority to exist. Nonconformities, however, while permitted to continue, are still not in legal compliance with the code. As a result, any substantial modification of the nonconformity (as defined within the code) can revoke the authority to continue that nonconformity.

Throughout the current ordinance and in the discussions of adoption of this revision there are a number of provisions that may continue to be grandfathered. In other words, these lots may continue to be developed though they are not in conformance with a particular regulation provided in the new ordinance. These properties may continue to be developed without requiring compliance with the current regulations. With the exception of those regulations identified as being grandfathered, the property must comply with all other regulations of the Zoning Ordinance.

Grandfathered provisions are important because they allow properties to obtain financing and insurance because they are considered lawful. The status of “grandfathered” encourages repair and maintenance because it does not require full compliance of the use or structure with the current standards.

A nonconformity is a use or development that was lawfully created prior to the effective date of a Zoning Ordinance. A White Paper was created to address the issues of nonconformities. As stated in that paper, the consideration of nonconformities is the weighing of the burden on the property owner to bring the property into compliance with the zoning requirements versus the benefit to the public to require compliance in order to achieve the goals of the Zoning Ordinance.

One important task in the revision is to distinguish between nonconforming uses and nonconforming development standards (structures, lots, and other lot features). As the particular regulations to be included in the revision are fleshed out, the requirements associated with both types of nonconformities may be amended.

Currently, the recommended subsections listed below are based on staff's proposed 2002 amendments to the nonconformities section of the ordinance (attached to the Nonconformities White Paper). Because these policies are different from current regulations, and because they had previously been fleshed out, this section provides greater detail than other sections.

The nonconformity regulations, however, will not be finalized until it is determined what nonconformities will be created from the revision.

Specific Sections:

25.08.01 - Grandfathered Provisions

There must be a record of grandfathered properties so that they are not deemed nonconforming at a later date. In addition, if there is any time period by which these grandfathered provisions must eventually come into compliance, those uses should be maintained in a list as well. It should be considered in the revision whether to make any of these grandfathered lots permitted, and to remove the "grandfathered" status. Much of this decision will be based on the new districts and their requirements established under the revision.

The following list of current grandfathered provisions is not exclusive. With the new APFO, there were a number of properties grandfathered as were properties with the adoption of some recent neighborhood plans.

A. Small Lot Amnesty

Currently there is a small lot amnesty provision that will be maintained in the revised ordinance. Any lot legally recorded prior to 10/1/57 and considered a buildable lot prior to that date is considered a continually buildable lot even though it may have less than the minimum area required for any detached residential zone. (Current §25-19(c)). Any lot deemed buildable under the small lot amnesty, and which is narrower than the minimum width required for that zone may have the side yard requirements reduced to those in effect in the next higher density detached residential zone. (Current §25-19(d)). Qualifying undersized lots are those with a new area of less than six thousand (6,000) square feet but at least five thousand (5,000) square feet, or with a width at the front building line of less than sixty (60) feet but at least fifty (50) feet which were shown on a plat or deed recorded prior to October, 1957. (Current §25-311 adopted 3/15/76)

B. I-3 Lots

Development standards for lots approved under current §25-313(a) and (b) (prior to May 1, 1976) have special requirements listed in the current development standards chart §25-311.

C. RPC Lots

Any development which existed prior to the rezoning of land which is now located in the RPC zone (prior to 8/89), is considered a development nonconformity but if damaged can be rebuilt, repaired, and/or reconstructed only to the extent of the original development existing on the date of the damage (without requiring compliance with nonconforming termination regulations). (Current §25-324)

D. Town Center Use Permits

In the Town Center Performance District, any valid use permit which has not been implemented (in whole or in part) by 12/13/93, will continue to be governed by the development standards in effect prior to 12/13/93, as long as such previously approved use permit remains in effect. (Current §25-330) There is, however, a redevelopment agreement with RCI for the old mall site.

E. RPR Developments

Any development rezoned to the RPR zone prior to July 1, 1994, may be used for any use that was permitted as a matter of right in the C-2 zone immediately prior to such rezoning. Such use shall be considered a nonconformity but if damaged or ceased it may be rebuilt, repaired, and/or reconstructed to the extent of the development prior to 7/1/94. (Current §25-331)

F. RPC Retail Stores

Retail stores exceeding 65,000 square feet, as of 8/1/2000 may be continued, structurally altered, repaired, reconstructed, but not increased, extended, or enlarged beyond the gross floor area as of 8/1/00. (Current §25-332)

25.08.02 - General Nonconformities

It is important to address the purpose of nonconformities and also general regulations associated with nonconformities (both of uses and development standards). In particular, the authority of legal nonconformities to continue in accordance with the current regulations (Current §25-161), except for any particular type of use that may require modification (amortization) should be specified. In addition, determination of nonconformity status should be clearly stated that it is the owner's burden, not the City's burden. Minor repairs and maintenance will be allowed and encouraged. Change in tenancy or ownership will not, in and of itself, affect nonconformity status.

The following sections outline the concerns of nonconforming uses and development standards. Still to be addressed is what will happen if a nonconforming use vacates a nonconforming building / site. For instance, in the Town Center, the Texaco station

has been vacated. Can a conforming use occupy it without bringing a development nonconformity into compliance.

25.08.03 - Nonconforming Uses

This section will contain the regulations governing nonconforming uses. Particular regulations will include:

A. Termination

A nonconforming use will lose its rights to continue if it is intentionally abandoned for 3 months. Language will also be provided in this section clarifying the application of this provision if the abandonment is interrupted during that 3-month period. If a conforming structure in which the nonconforming use is located is destroyed or damaged by fire, flood, explosion or any other cause at no fault of the owner or tenant, and cost to repair the structure is less than 50% of the replacement cost, the nonconforming use may continue though the use may terminate for more than 3 months.

B. Alteration

A nonconforming use may not change, extend, expand or otherwise enlarge the use without losing authority to remain a nonconformity. If the use is enlarged, changed, or superseded with an allowable use, the use must meet the requirements of the current zoning regulations. The nonconformity alteration permit process, described in Article 7, will control alteration of a nonconforming use.

25.08.04 - Nonconforming Development Standards

This section will present the substantive regulations governing buildings and structures that, although legally established, no longer comply with property development standards, such as setback, height, lot size, etc. In addition, these regulations will apply to nonconforming lots (lots which do not meet area, coverage or width requirements) and nonconforming features to the building site (fences, landscaping, parking, forestry, impervious surface, etc.) requirements.

Regulations associated with any change of a nonconforming development standard are generally stricter than other types of nonconformities. The public benefit of requiring compliance is often considered more important than the burden on the property owner to change the nonconformity though the extent of the change required will be weighted in making a decision. Particular regulations will include:

A. Termination

Termination for development standards will have different classifications depending on the responsibility of the owner or tenant in the termination:

1. Termination at no fault of the owner or tenant

If a structure is destroyed through no fault of the owner or tenant (i.e. landscaping dies, the structure is destroyed by fire, or the feature is stolen or

otherwise damaged beyond repair) so that the cost exceeds 50% of the replacement cost of the structure, the structure or feature may be replaced in kind, in the area terminated, as long as the nonconformity is not enlarged.

2. Termination at the fault of the owner or tenant

If a development standard is terminated through the fault of the owner or tenant, the structure or feature must be brought into compliance with the current zoning regulations to the extent of the termination. If more than X% (likely 50%) of the structure or feature is terminated through the fault of the owner or tenant, the entire nonconformity must be brought into compliance with the current zoning regulations.

B. Alteration

When a nonconformity is altered, it can have different impacts in different areas of the City and can differ based on the type of nonconformity in question. This section will explain solutions to the question of how much a lot must be brought into compliance with the current ordinance standards when any part of that nonconformity is altered.

Alterations to other aspects of a lot with a nonconformity will be permitted, so long as the alteration 1) meets other requirements of the Zoning Ordinance and 2) does not expand or otherwise alter the nonconformity. The portion of the building that constitutes a development standard nonconformity may be altered only to 1) maintain the building in safe repair, 2) improve the façade and enhance appearance, or 3) comply with the requirements of the ADA or other safety codes. A nonconformity permit process will track alterations that will affect a nonconformity (explained in Article 7).

Substantial reconstruction requires compliance:

1. Reconstruction

Any major structure or major reconstruction that exceeds 50% or more of the gross floor area of the previously existing building or structure (except a single-family dwelling) must bring the entire building or structure into compliance with any previously nonconforming development standards or current regulations.

2. Destruction of Walls

If there is destruction or demolition of the dwelling down to the foundation of 2 or more walls or an expansion of more than 100% (i.e. doubles the existing floor area) of a single-family home, the dwelling must be brought into compliance (this will be reviewed when a definition of demolition is established).

3. Historic Exception

In a designated historic district, any dwelling may be repaired or replaced in kind in its original location, subject to approval of the Historic District Commission. An historic structure may be rebuilt on the original footprint (even if it does not meet the current setbacks) but may not expand that footprint. Additions to historic structures must meet the same standards as additions to other nonconforming structures.

C. Single-Family Dwelling Exception

A single-family dwelling exception will be provided to allow nonconforming *lots* to be used for single-family dwellings.

D. Public Acquisition Exception

A new section outlining the authority of nonconforming development standards to continue when they are created by public seizure will also be included.

E. Merger Exception

Substandard lots, under the same owners, will be merged to create an allowable lot in certain situations.

There was a lot of discussion among staff about this requirement. The questions included whether to require merger, whether to consider merger of lots automatic for purposes of zoning but not for plat recordation and whether to exclude this provision entirely. If this requirement is maintained, the requirement of consolidation plats will be considered if both lots are being used to meet the zoning requirements.

25.08.05 Amortization

If amortization is determined to be an ideal solution to bring a number of uses or development standards into compliance with the current regulations, this section will address these requirements. Particular regulations to be addressed will include time frames to bring something into compliance, notification requirements, and processes for approval.

There is one amortization requirement in the current Zoning Ordinance. Any sign lawfully existing immediately prior to the effective date of the sign section of the ordinance must be removed within eight (8) years from the date that the sign became nonconforming. (§25-463 (c)) (The City adopted this regulation in August 2004 so these signs must be removed by August 2012.)

The types of regulations that may require compliance with the new zoning requirements within a set time frame after adoption of the revised ordinance may be: parking, landscaping, sign, or lighting regulations. Compliance may require the property owner create a new item that meets current requirements, or add on to or remove some of what

already exists to bring the existing parking, lighting, landscaping, signage, etc. into compliance with the current ordinance.

Article Nine – Accessories and Encroachments

Contents:

1. Purpose (N)
2. General Requirements (n)
3. Accessory Uses (n)
4. Temporary Uses (n)
5. Accessory Structures (including buildings) (n)
6. Wireless Towers
7. Encroachments (n)

General Commentary: Accessory uses or structures are subordinate to the principal use of a building or land. They are located on the same lot as the principal use or structure (with the particular exception of accessories to a place of worship and an historic accessory in a historic district) and are customarily incidental to such use or structure. For example, a detached garage is typically considered an accessory structure in a single-family residential area.

Specific Sections:

25.09.01 - Purpose

A clear purpose/intent statement to clarify the relationship of accessory uses and structures to other uses and structures, will be included.

25.09.02 - General Requirements

General requirements for accessories will be laid out in this section. Included requirements for accessories will be 1) compatibility with the principal structure or use, 2) legal establishment, and 3) shared ownership with the principal structure or use. Clarification between the terms accessory and secondary uses and structures should also be made in the purpose statements of this Article as well as in the definitions Article 3.

25.09.03 - Accessory Uses

Accessory uses in the City of Rockville are considered in residential districts when that use is not individually permitted in that district. In nonresidential districts, accessory uses are allowed without changing a use permit, and may be otherwise allowed in that district when they are associated with the permitted use. They are considered accessory because they are under the same ownership and incidental to the original use (for example, an office in a warehouse).

The regulations should clarify the difference between a secondary and an accessory use. When a second use is applied for on the same lot, if that use is on the list of permitted uses, it is not required to meet the standards of accessory uses. In other words, the use does not have to 1) be customarily associated, 2) be subordinate, or 3) meet any of the limitations of accessory uses (such as relative size). Because these uses

do not meet the requirements of “accessory,” they have been treated as a second primary use on the lot. With the increase of mixed-use districts, the difference between secondary and accessory will be more important.

A. General Regulations

Current limitations on accessory uses should be maintained. In particular, no accessory use may be used for residential occupancy or retail sales, unless specifically permitted. Size of accessory uses should be limited to a set percentage of the principal use (20% of a dwelling unit and 10% of other structures). In addition, certain uses should be prohibited as accessories if they are determined to be a nuisance. Clarification should be given that accessory uses are not secondary uses on a lot but must relate to the primary use in the manner described above.

B. Home Based Business

The current requirements of home-based businesses will be thoroughly revised in the zoning revision. The proposed amendments will be based on the current Montgomery County regulations for these businesses. This proposal would include a three-tiered system based on traffic impact and will involve more registration requirements for these uses to facilitate the City in keeping track of them. The new requirements will mean additional staff time and enforcement measures will be needed in the City.

1. *Minor Home Based Businesses*

Minimal impact businesses will be permitted by right, subject to a few limitations.

2. *Medium Impact Home Based Businesses*

Medium impact businesses would be permitted, subject to limitations including the responsibility to register with the City.

3. *High Impact Home Based Businesses*

High impact businesses would be approved on a special exception basis to be reviewed individually.

NOTE: This will change a number of current provisions in the ordinance including the recent amendment for cosmetology as a home occupation. (Current §25-334 and 375)

C. Accessory Uses to a Place of Worship

These regulations should continue much as they do today. The great number of additional uses associated with a place of worship are already permitted in the great majority of zones; and therefore not considered accessory (for example, a school can be an accessory use to a place of worship and is often located on a separate lot from the place of worship). Where a truly accessory use is located on a separate lot

(as permitted for places of worship), these should be required to conform to the main building setbacks.

D. Accessory Apartments

Accessory apartments (more commonly known as “accessory dwelling units” in other jurisdictions), because they must currently be attached to the main dwelling unit, are considered an accessory use, not an accessory structure. Whether to allow accessory apartments over a garage is one of the many considerations that can be made with regard to this use. If this choice is made, there must be an amendment to the current accessory structure dimensional standards in residential districts to permit more than one story or detached garage.

Currently, because of the way these have been allowed in the City, the zoning allowance of these uses (by special exception) has been undermined. It is not easy to obtain approval of these uses if anyone else opposes them. These additional residential units can be created for a number of reasons: independent but close living to an aged or infirm relative, caretaker quarters, or extra income from renters. Accessory apartments can also provide affordable housing alternatives and increase densities in existing communities where transit options are desired. The City needs to determine whether it would like to encourage them or not. If so, the permitted districts and restrictions can be determined.

Regulations on accessory apartments will include 1) general requirements such as that they be attached to the main structure (unless the revision decides to allow them over a garage) and contain cooking facilities (though that definition will be reviewed in association with the current allowance for room rentals), and 2) additional requirements (limiting occupancy and prohibiting the ability to obtain a variance to create an accessory apartment as well as off-street parking requirements). Under current regulations, accessory apartments are specifically excluded from the size limitation of other accessory uses (i.e. the 20% of the main structure requirement) though this will be reviewed under the revision.

The zoning districts where accessory apartments will be allowed will be provided in the single-family residential use chart in Article 10, as will a reference to whether they will be allowed by right or by special exception. One discussion is to allow them with more relaxed approval requirements where higher density is desired (such as around metro stops). A limitation within neighborhood areas may be placed on accessory apartments (alone or in relation to home based businesses in the area) to limit traffic problems.

E. Additional Accessory Uses

As the drafting stage of the zoning revision begins to review the use chart and other use regulations, staff will make a determination if there are any other truly accessory uses (as compared to secondary uses) that require particular regulations.

25.09.04 - Temporary Uses

Temporary uses are generally accessory though some (for instance, Christmas Tree sales) may not be an accessory. Some are required to obtain a temporary use permit, others are so informal that they do not require a use permit and currently have no particular regulations associated with them. Though permit requirements will be addressed in Article 7, the types of temporary uses allowed, and the standards for approval will be established in this section. Time limitations for these uses will be considered in the zoning revision, as will a better means to classify these uses, and any temporary sign requirements (or a simple cross-reference to the sign section of the ordinance).

25.09.05 - Accessory Structures (including buildings)

The term “structure” includes buildings but the term “building” does not mean all structures. Buildings must be attached to the ground and built to house people, animals, and objects. Structures, however, are only required to be attached to the ground (i.e. fences, air conditioning units, flag poles, etc.) Separate regulations should be used within the accessory section to clarify the difference between accessory structures and accessory buildings.

In addition, regulations should clarify the difference between accessory structures and secondary structures on a lot. (Current §25-313(c)). Secondary structures may require ownership plats; while accessory structures do not.

Illustrations in this section can assist in explaining where and how accessory buildings may be located on a lot.

A. General Requirements

General requirements for accessory structures include that:

- i. The relationship of the accessory to the main structure. (Although most are completely detached, some like air conditioning units are attached through cables, etc.)
- ii. The structure is approved only on structural considerations. (Activities to be conducted within the structure are approved separately through use permits, if applicable, and must meet the requirements of accessory uses to be customarily associated with and subordinate to the principal use.)
- iii. The structure must be maintained in good / safe repair.
- iv. Accessory structures must be for a legal accessory use.

B. Accessory Buildings

Accessory buildings come in two forms, residential and non-residential. If there are any applicable general regulations for these buildings they will be provided here. There are particular single-family residential dimensional regulations that will be found in Article 10. There may be more than one accessory building on a lot in residential districts, however they are all subject to comprehensive lot coverage

requirements within their district. The draft portion of the revision will consider whether to provide for accessory buildings in nonresidential districts.

1. *Residential Accessory Buildings*

Residential accessory buildings include sheds, carports, pool houses, and other structures associated only with residential uses. There has been a recent concern regarding how far an accessory building may be located away from the principal building, yet share a common roof, and still be considered part of the primary building. A consideration for the zoning revision is a clarification of an attached and detached building.

Requirements for garages and storage, and other residential accessory building requirements *may* include 1) size limitations based on a percentage of the main building, 2) design requirements to maintain a similar façade as the main building, and 3) landscaping requirements. Some of these provisions will be provided here, other requirements may only reference other sections of the ordinance; for example, the bulk regulations of these structures will be referenced to Article 10.

2. *Non-Residential Accessory Buildings*

In Rockville, these are structures used to house maintenance supplies or store excess inventory.

Public garages and storage accessories are the two most prevalent non-residential accessory structures in the City. Public garages are currently classified as either group or private. Group garages are designed in connection with multiple dwellings erected under single ownership and for private passenger vehicles only. Private garages are designed for private motor vehicles, which may include a commercial vehicle. The revision will consider design guidelines to ensure that public garages are safe, buffered, and pedestrian friendly. Reference may be made to parking requirements for garages in Article 16. Storage buildings will also have specific regulations to require that they be landscaped, and/or have a similar façade as the main buildings.

C. Other Accessory Structures

1. **Fences and Walls**

There are currently no specific requirements for these structures (with the exception of height requirements found in the encroachment definition of current §25-1); but the revision intends to consider regulations for them. Height, material, and solidity of these types of accessory structures will be addressed in this subsection.

2. **Antennas and Satellite Dishes**

These will be treated similarly to the way they are currently regulated in the ordinance.

3. Pools

Individual pool regulations will be based on the various types of pools. Included for consideration will be the current regulations for “accessory swimming pools.” (Current §25-317)

D. Historic Accessory Structures

Under the current Zoning Ordinance, historic accessory structures found in a historic district (so they are historically recognized) are often destroyed to allow for the development of more modern structures. Because these historic structures are calculated in the lot coverage limitation, to meet this regulation and to allow for a new accessory structure, some properties have removed previously existing historic structures. Historic accessory structures will be specifically exempt from the lot coverage calculations of accessory structures in residential districts.

25.09.06 - Wireless Towers

Current provisions (§25-333 and 374) will be mirrored in the new ordinance, with the exception that staff will review current standards to determine where and how to consolidate these regulations. Wireless towers are not necessarily an accessory use, but there has been consensus that this Article is the best location for these requirements. Where allowed on use charts as a separate use, they will be subject to these requirements as well. Design requirements for wireless towers will also be discussed in the draft stage.

25.09.07 - Encroachments

The encroachment regulations for parts of accessory structures or entire small accessory structures should be moved from the definitions section to this section. In addition, the regulations allowing certain rooftop structures to exceed height requirements will also be included here, as will encroachments from a main building such as bay windows and porches. Current height encroachment allowances and regulations from §25-18 will be moved here, which limit certain types of rooftop structures in area, height, setback and screening requirements for the structure itself. In addition, current encroachment allowances on rooftops found in the current definition of “encroachment, permitted” in §25-1 will be listed here which limit the size and/or location of these encroaching structures or building features.

Article Ten – Single-Family Residential Districts

Contents:

1. Purpose (n)
2. Districts Established (n)
3. Uses (n)
4. Dimensional Standards (n)
5. Neighborhood Overlays (N)
6. Accessories (n)
7. Special Developments (N)
8. Nonconformities (n)
9. Parking & Loading Requirements (n)
10. Landscaping and Buffer Requirements (n)
11. Signs (n)

General Commentary:

This section will provide regulations for the individual single-family residential districts. The intent is to generally maintain the existing single-family residential districts in their present form. There may, however, be a few minor modifications in the revision.

Market forces, not zoning requirements, have created different housing characteristics in each neighborhood. Through discussions regarding the issue of mansionization and individual neighborhood plans, it has become apparent just how distinct each neighborhood has become. For instance, although all R-60 zones throughout the City allow houses to reach a height of 35 feet, houses in different neighborhoods have been constructed at different average heights (from 20 to 30 feet, on average). The following outline assumes that there will be the same residential base districts, as currently exist, with new provisions for overlay districts where neighborhood plans specify and where the City recommends (like Lincoln Park and Historic Districts). Attached residential developments such as apartments and townhouses have been recommended for their own article, and can now be found in Article 11.

Specific Sections:

25.10.01- Purpose

This section will provide a brief statement of the general purpose and intent behind residential districts, including:

- To provide appropriately located areas for residential development that are consistent with the Master Plan and public health and safety;
- To ensure adequate light, air, privacy, and open space for each dwelling; and
- To protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.

Current §25-272(a) states that the purpose of all residential zones is to:

- Promote a suitable environment for family life through the provision of recreational, religious, and educational facilities as basic elements of a balanced neighborhood;
- To stabilize and protect the essential characteristics of existing residential development; and
- To foster development compatible with the topography and other natural characteristics of the area.

25.10.02 - Districts Established

The individual residential zones will be listed here and include the following.

Type of District	Distinguishing Feature	Name of Zone	Shorthand Reference
Residential – Single Family	40,000 square feet minimum lot area	Residential Estate	R-E
	20,000 square feet minimum lot area	Suburban Residential	R-S
	15,000 square feet minimum lot area	Medium Density Residential	R-150
	9,000 square feet minimum lot area	One-Family Detached, Restricted Residential	R-90
	7,500 square feet minimum lot area. The standards of this zone will be provided in the Zoning Ordinance but there is a suggestion to not allow the creation of new lots of this zoning classification.	One-Family Detached, Residential	R-75
	6,000 (or 5,000) square feet minimum lot area	One-Family Detached, Residential	R-60
	4,000 square feet minimum lot area. The standards of this zone will be provided in the Zoning Ordinance but there is a suggestion to not allow the creation of new lots of this zoning classification.	One-Family Semidetached, Residential	R-40
NOTE: Multi-family zones will be provided in the next article.			

25.10.03 - Uses

A. Limitation on Single Family Dwellings

Except as otherwise provided, no more than one single-family dwelling may be built on a recorded lot.

B. Use Table

The table of uses will be incorporated from the existing ordinance, as applicable only to single-family residential districts. The uses in the existing regulations will be a starting point for modernizing the uses, but modifications will reflect modern

ideas of use classification. In addition, a final column will be added to the Use Table to reference additional standards that may be listed elsewhere.

Uses listed and zones permitted are only examples. The actual uses and locations of permitted uses will be discussed in the drafting stage of the revision. The new table may look something like the following:

Use Table for Residential Districts						
P= Permitted by Right S= Special Exception C = Permitted with Constraints Blank = Not Permitted						
Category	Specific Use	Example Zoning Districts				Add'l. Regs.
		RE	RS	R-40	R-60	
Household Living	Single-family dwelling		S	P	P	
Group Living	Group Home	C	C	C	C	§25.10.03
	Dormitory	C	C			§25.10.03

C. Use Specific Regulations

This section will contain all of the special standards and requirements that apply to individual use types listed in the use table. The standards could apply to uses regardless of whether they are permitted with constraints, or are subject to the special exception use process. The starting point for the use specific regulations will be those contained in the current regulations, as a goal of the revision is to maintain the existing residential districts much as they are now. Current standards will be the guidelines for the revision regulations.

Special exceptions must comply with the requirements of Article 6. Current special exception uses in residential zones are:

1. Accessory Apartment (Current §25-372)
2. Child Care Center (Current §25-355)
3. Educational Institution, Private (Current §25-356)
4. Eleemosynary or Philanthropic Institutions (Current §25-357)
5. Golf Course, Country Club, Private Club, Service Organization or Community Building (Current §25-358)
6. Home Based Business (Current §25-375 for Cosmetology uses)
7. Hospital / Nursing Home (Current §25-360)
8. Housing for Elderly and Physically Handicapped (Current §25-361)
9. Public Utility Buildings / Structures (Current §25-367)
10. Swimming Pool, Non-accessory (Current §25-369)
11. Veterinary Office / Animal Hospital (Current §25-371)
12. Wireless Communication Facilities (Current §25-374)

25.10.04 - Dimensional Standards

The table of dimensional standard will be incorporated from the existing ordinance, as applicable only to single-family residential districts. The policy of the revision is to keep residential districts generally the same as current requirements will be maintained

in dimensional standards as well. Specific areas for base requirement amendment will be where the overarching policy recommendations from white or issue papers include a broad change (for example, the main building lot coverage and vegetative front and rear yard requirements).

This table will identify all relevant dimensional standards (lot area, setbacks, height, density / intensity, and lot coverage). The table may include, but is not limited to, the following information:

Intensity and Dimensional Standards for Main Buildings in Residential Districts											
District	Max Gross Density (du/acre)	Min Lot Dimensions			Building Envelope Requirements					Max Lot Coverage	Add'l Regs
		Area	Width	Frontage	Minimum Setbacks			Max. Height	FAR		
					Front	Side	Rear				
RE											
RS											
R-40											
R-60											

NOTE: Under current §25-316 requirements, detached dwelling units in the R-40 zones must comply with development standards of the R-60 zone.

In the drafting stage, current footnotes to Table §25-311 will be reviewed for 1) continual applicability to the revision and 2) the most appropriate location in the revision. In addition, particular consideration will be given to corner lot requirements in the revision.

25.10.05 - Neighborhood Overlays

This section will reference the conservation districts to be included in Article 14 and any other district overlays to be provided by individual neighborhood plan recommendations.

25.10.06 - Accessories

Particular standards for accessory uses in residential zones will be provided here as will a general reference to the Accessory Article (Article 9). (Current §25-311)

A. General Requirements

All accessories must comply with the requirements of Article 9 in addition to the standards provided below.

B. Structures

In the current zoning ordinance, there are accessory structure dimensional requirements only in the residential districts. Those standards have recently been amended and will be maintained here with the possible exception of allowing garages to have an additional story for accessory apartments. The location of these

standards here is an exception to the general rule that particular standards are to be provided in one central location because this is the only instance with particular accessory regulations. It is determined that the more reasonable location for these requirements is here.

Dimensional Standards for Accessory Buildings in Residential Districts							
District	Building Envelope Requirements					Max Lot Coverage	Add'l Regs
	Minimum Setbacks			Max. Height	FAR		
	Front	Side	Rear				

B. Uses

If there are any particular accessory use requirements, they will be provided here. Currently, there are only use limitations for accessory uses in what will become mixed-use residential (the R-H) zones. (Current §25-297)

25.10.07 - Special Developments

A reference will be provided here to show that there are considerations for previously approved special developments provided in Article 14.

25.10.08 - Nonconformities

No particular standards will be provided here. Instead, a general reference that all nonconforming uses and structures must comply with the requirements of Article 8 will be given. If there are particular residential nonconformity requirements, they will be provided in Article 8.

25.10.09 - Parking and Loading Requirements

No particular standards will be provided here. Instead, a general reference that all parking and loading in residential districts must comply with the provisions of Article 16 will be given. If there are particular residential parking and loading requirements, they will be provided in Article 16.

25.10.10 - Landscaping and Buffer Requirements

No particular standards will be provided here. Instead, a general reference that all landscaping and buffer requirements must comply with the provisions of the Landscaping and Buffering Manual described in Article 15 will be given. If there are particular residential landscaping and buffering requirements, they will be provided in the Manual, described in Article 15.

25.10.11 - Signs

No particular standards will be provided here. Instead, a general reference that all residential signs must comply with the requirements of Article 17 will be given. If there are particular residential signs requirements, they will be provided in Article 17.

Article Eleven - Attached Residential District

Contents:

1. Purpose (n)
2. Districts Established (n)
3. Uses (n)
4. Dimensional Standards (n)
5. Accessories (n)
6. Nonconformities (n)
7. Parking and Loading Requirements (n)
8. Landscaping and Buffer Requirements (n)
9. Signs (n)
10. Particular Requirements of RTH Floating Zone (n)

General Commentary: The Attached Residential zones will incorporate the current multi-family zones of R-20 and R-30 in addition to the current Residential Townhouse District. Whether the RTH and any other district in the revised ordinance will continue as a floating zone or will be mapped out with the adoption of the new ordinance is still to be determined. Currently, a text amendment for an RTH zone is being reviewed for adoption separate from the comprehensive zoning revision. The terms of that amendment will be incorporated into this Article when the terms are determined.

Specific Sections:

25.11.01 – Purpose

The purpose of Attached Residential Districts is to provide a transition area between lower and higher intensity zones of the City. Current §25-611 draft amendment, for the RTH zone lists the following purpose statements:

- To accommodate suitable sites for townhouse development that may include new one-family detached residences in and adjacent to the Town Center Planning Area and in other areas of the City where there is a need for a transitional use between commercial, office, industrial, and multifamily uses and nearby existing one-family detached residential uses.
- To provide flexibility in the design of townhouses and new one-family detached residences (if provided) and their grouping and layout within the area of development
- To provide in such developments the amenities normally associated with exclusively one-family detached zoning categories,
- To permit the greatest possible amount of freedom in types of ownership of dwelling units,
- To promote a suitable environment for family life and
- To stabilize and protect the essential characteristics of the adjacent properties and the neighborhood.

25.11.02 – Districts Established

The individual attached residential zones will be listed here and include:

A. RMF – Residential Multi-Family

This will combine the current R-20 and R-30 districts. Low impact retail and/or service uses will be considered in this district, or the uses allowed may be limited to different forms of multi-family dwelling units. If retail uses are allowed, there will be a consideration in the draft stage whether this zone is best discussed here or in the Article 13, Mixed-Use Districts.

B. RTH – Residential Townhouse

The Townhouse zone will provide standards for those areas of the City with townhouses. This zone will likely be for existing RTH districts. This zone will be based on the currently proposed text amendment in the process of adoption.

25.11.03 – Uses

A. Use Table

A table of permitted uses will be provided here similar to the other District Articles. The uses in the existing regulations will be a starting point for modernizing the uses, but modifications will reflect modern ideas of the classification. Uses listed and zones permitted are only examples. The actual uses and location of permitted uses will be discussed in the drafting stage of the revision.

B. Use Specific Regulations

Included will be any additional requirements for approval such as for uses permitted with constraints and special exception uses.

25.11.04 – Dimensional Standards

The table of dimensional standard will be incorporated from the existing ordinance (Current §§25-311 and 614). New provisions will be added where the overarching policy recommendations from white or issue papers include a broad change (for example, the main building lot coverage and vegetative front and rear yard requirements) and where the text amendment currently underway proposes such change.

This table will identify all relevant dimensional standards (lot area, setbacks, height, density / intensity, and lot coverage). The table may include, but is not limited to, the following information:

Intensity and Dimensional Standards for Attached Residential Districts											
District	Max Gross Density (du/acre)	Min Lot Dimensions			Building Envelope Requirements					Max Lot Coverage	Add'l Regs
		Area	Width	Frontage	Minimum Setbacks			Max. Height	FAR		
					Front	Side	Rear				

25.11.05 - Accessories

A general reference to the accessory requirements of attached residential zones to be found in Article 9 will be provided here.

25.11.06 - Nonconformities

No particular standards will be provided here. Instead, a general reference that all nonconforming uses and structures must comply with the requirements of Article 8 will be given. If there are particular nonconformity requirements, they will be provided in Article 8.

25.11.07 - Parking and Loading Requirements

No particular standards will be provided here. Instead, a general reference that all parking and loading in residential districts must comply with the provisions of Article 16 will be given. If there are particular residential parking and loading requirements, they will be provided in Article 16.

25.11.08 - Landscaping and Buffer Requirements

No particular standards will be provided here. Instead, a general reference that all landscaping and buffer requirements must comply with the provisions of the Landscaping and Buffering Manual described in Article 15 will be given. If there are particular residential landscaping and buffering requirements, they will be provided in the Manual, described in Article 15.

25.11.09 - Signs

No particular standards will be provided here. Instead, a general reference that all residential signs must comply with the requirements of Article 17 will be given. If there are particular residential signs requirements, they will be provided in Article 17.

25.11.10 - Particular Requirements of RTH Floating Zone

The RORZOR Committee has yet to decide whether any floating zones will remain in the revised ordinance. The concern is identification by the public of future potential sites for these zones. There has been some discussion to allow floating zones in the revision but only where mapped by the Master Plan. If the RTH remains as a floating zone, these additional requirements will be imposed. Similarly, other districts, which may be applied as floating zones, will have similar requirements.

A. Development Location Limitations

The limitations of size of a property to be developed with an RTH zoning will be provided here. In addition, if there are set zones in which an RTH can be built, those will be provided here as well. This section will summarize the current §§25-489 and 490, as they apply to the RTH district. A specific Residential Townhouse standard to be included here is the chart of appropriate districts between which the RTH zone may be located (found in current §25-621).

B. Special Development Standards

There are a number of special requirements for an RTH zone that do not apply elsewhere. These are listed in current §25-615 and provide limitations on the number of townhouse units that can be connected to each other, certain lot frontage requirements, and requirements for one-family detached dwellings within this zone to meet the dimensional standards of this zone (not the previous underlying zone) if ever altered.

C. Waiver or Modification of Parking, Access, and Loading Requirements

The current prohibition of waiving any parking, access and loading requirements from §25-616 will be provided here. In addition, the limitations on modification of those standards (to be provided in Article 16) will also be provided here.

D. Waiver or Modification of Screening and Landscaping Requirements

The current prohibition of waiving any screening and landscaping requirements from §25-617 will be provided here. In addition, the limitations on modification of those standards (to be provided in Article 15) will also be provided here.

E. Waiver or Modification of Sign Requirements

Sign requirements, to be found in Article 17, may not be waived except that only one incidental sign, 10 square feet in area, containing only the name of the project shall be permitted. (Current §25-618)

F. Requirements for Approval of Open Spaces, Common Areas, and Recreational Facilities.

A portion of the land for these projects must be dedicated as open space to the City. The requirements of that dedication will be found in Article 15.

G. Process for Approval

The current §§25-620 through 641 will be consolidated into this section. Where applicable, the application and hearing requirements found in Article 5 will be referenced here.

Article Twelve – Commercial and Industrial Districts

Contents:

1. Purpose (n)
2. Districts Established
3. Uses Permitted (n)
4. Dimensional Requirements (n)
5. Accessories (n)
6. Nonconformities (n)
7. Parking and Loading Requirements (n)
8. Landscaping and Buffer Requirements (n)
9. Signs (n)

General Commentary: While much of the discussion from the white papers has been to increase the number of mixed-use districts in the City, there are some areas that should remain solely commercial or industrial or at least primarily industrial. In some instances, there are established commercial uses on small lots (under 5 acres in size), which would not support the redevelopment of a mixed-use development on site. The land simply cannot maintain the current uses and additional residential uses on site (with off-street parking requirements for all uses). In addition, the added density in these locations may not be desirable in those areas of the City.

There are also some isolated, small properties in the City that are designated commercial though they are surrounded by single-family residential uses. These sites provide important services to the surrounding neighborhood, such as gas stations, and would not be likely areas for multi-family residential re-development.

There are currently four industrial districts in the City. Each district allows different levels of “industry” and provides a range of retail and services to the community. The two lower-impact industrial zones (I-3 and I-4) will likely be re-zoned into one of the mixed-use districts. The two higher-impact industrial zones (I-1 and I-2) will be consolidated into a single industrial transition zone, described below.

Specific Sections:

25.12.01 - Purpose

The purpose of these non-residential zones is to provide service, retail, and industrial facilities convenient to the citizens of Rockville and the regional area. In addition, where more uses are provided to the industrial districts, than currently allowed, the purpose is to allow for residences in close proximity to the places where people work.

25.12.02 - District Established

A. Commercial Zone

There is likely to be only one commercial district remaining with the revision. This is the existing C-1 district. If some existing C-2 district properties are determined

to remain, they will be added in the draft stage. The C Zone will remain as it currently is, and in its current locations. The purpose is to provide limited retail and service facilities convenient to abutting residential neighborhoods.

B. Industrial Transition

This zone will incorporate the current I-1 and I-2, heavier impact industrial zones, but permit the addition of a mix of uses such as retail and some residential spaces. A concern of the RORZOR Committee has been that the addition of these other uses to these zones would effectively push out of the market the current or future industrial uses. As the standards for this zone are established, the standards should be geared to ensure that such an event does not happen. For instance, a limitation on the percentages of different uses allowed in the zone may be required.

C. Heavy Industrial

This zone will be new to the City and incorporate the standards of the County's current industrial zone along Gude Drive. This zone will not be mapped at this time, but if these areas are ever annexed into the City, the zoning standards would be in place to adopt for that area.

25.12.03 - Uses Permitted

A. Use Table

A table of uses will be provided showing permitted (P), special exception (S), permitted with constraints (C), and not permitted (blank) uses. This table will be similar to the one found in the residential and mixed-use district articles. Uses listed and zones permitted are only examples. The actual uses and locations of permitted uses will be discussed in the drafting stage of the revision.

Use Table for Commercial and Industrial Districts					
P= Permitted by Right S= Special Exception C = Permitted with Constraints Blank = not permitted					
Category	Special Use	Zoning Districts			Add'l Regs
		C	IT	HI	
Retail	Restaurant	P			
	Craft Store				
Service	Barber / Beauty Shop	C			§25-111
	Pet Grooming	C			§25-111

B. Use Specific Regulations

This section will contain all of the special standards and requirements that apply to individual use types listed in the use table including special exceptions. The standards could apply to uses regardless of whether they are permitted with constraints, or are subject to the special exception use process. The starting point for the use specific regulations will be those contained in the current regulations.

(Current §25-319, limits on certain uses in C-1 zones; §25-321, hotels in C-2 zones; §25-322, mobile uses; and §25-332, retail stores in C-2)

Special exceptions must comply with the requirements of Article 6. Current special exception uses in commercial zones are:

1. Automobile Filling Station (Current §25-353)
2. Child Care Center (Current §25-355)
3. Drive Through Windows - One recommendation from the white papers has been to require all drive-through windows (which may be found in these zones) as special exceptions. A particular consideration for approval of drive-through windows is the inclusion of buffers especially where the window is adjacent to a residential district.
4. Educational Institution, Private (Current §25-356)
5. Eleemosynary or Philanthropic Institutions (Current §25-357)
6. Golf Course, Country Club, Private Club, Service Organization or Community Building (Current §25-358)
7. Helistop / Heliport (Current §25-359)
8. Housing for Elderly and Physically Handicapped (Current §25-361)
9. Junkyards (Current §25-362)
10. Lumber / Building Supplies (Current §25-363)
11. Outdoor Motor Vehicle / Trailer Sales (Current §25-366)
12. Personal Living Quarters (Current §25-365.1)
13. Public Utility Buildings / Structures (Current §25-367)
14. Taxicab Services (Current §25-370)
15. Wireless Communication Facilities (Current §25-374)

25.12.04 - Dimensional Requirements

The current requirements provided under current development standards (Table §25-311) will be reviewed for necessary changes. Additional standards for commercial districts may be added, as necessary.

In the drafting stage, current footnotes to Table §25-311 will be reviewed for 1) continual applicability to the revision and 2) the most appropriate location in the revision.

Included here will also be any special dimensional standards for certain lots in a Commercial District. (Current §25-312)

Dimensional Standards for Commercial and Industrial Districts										
District	Min Lot Dimensions			Building Envelope Requirements					Max Lot Coverage	Add'l Regs
	Area	Width	Frontage	Minimum Setbacks			Max. Height	FAR		
				Front	Side	Rear				
C										
IT										
HI										

25.12.05 - Accessories

No particular standards will be provided here, as there are currently no specific dimensional standards for accessory structures as there are for residential districts. Instead, a general reference that all accessory uses and structures must comply with the requirements of Article 9 will be given.

25.12.06 - Nonconformities

No particular standards will be provided here. Instead, a general reference that all nonconforming uses and structures must comply with the requirements of Article 8 will be given. If there are particular commercial nonconformity requirements, they will be provided in Article 8.

25.12.07 - Parking and Loading Requirements

No particular standards will be provided here. Instead, a general reference that all parking and loading in residential districts must comply with the provisions of Article 16 will be given. If there are particular commercial parking and loading requirements, they will be provided in Article 16.

25.12.08 - Landscaping and Buffer Requirements

No particular standards will be provided here. Instead, a general reference that all landscaping and buffer requirements must comply with the provisions of the Landscaping and Buffering Manual described in Article 15 will be given. If there are particular commercial landscaping and buffering requirements, they will be provided in the Manual, described in Article 15.

25.12.09 - Signs

No particular standards will be provided here. Instead, a general reference that all residential signs must comply with the requirements of Article 17 will be given. If there are particular commercial sign requirements, they will be provided in Article 17.

Article Thirteen – Mixed Use Districts

Contents:

1. Purpose (N)
2. Districts Established (N)
3. Uses Permitted (N)
4. Dimensional Requirements (N)
5. Special Form Regulations in Certain Districts (N)
6. Accessories (N)
7. Nonconformities (N)
8. Parking and Loading Requirements (N)
9. Landscaping and Buffer Requirements (N)
10. Signs (N)

General Commentary: This article is still in the draft stage. Over the summer, the RORZOR Committee will meet to flesh out more of the provisions of this article.

This article will increase the number of mixed-use districts in the City. These districts will allow for different types of uses to be located within the boundaries of each zone (horizontal mixed-use), though individual projects or buildings may house one or more than one use (vertical mixed-use). The mix of uses will include what have been classified in traditionally single-use commercial, multi-family residential, and office districts. On-site development of residential uses, it is believed, will encourage a higher investment in the appearance of the centers, and increase the safety aspect of having “eyes on the street” at all times.

One concern with mixed-use areas is providing a transition to surrounding single-family residential areas. A distance gradient is one option, similar to what is applied to the current Town Center zone. This gradient will discourage the development of tall buildings next to smaller residential districts. Other compatibility provisions will need to be crafted, perhaps on a case-by-case basis. These transitional areas may be one of the selected mixed-use districts described below; or it may be a single-use commercial, office, or industrial district provided in the other district articles of this outline. That decision will continue to be made throughout the drafting stage of the revision process.

Form regulations will be emphasized where neighborhood corridor plans recommend the particular form to regulate. This type of regulation defines and codifies a neighborhood's existing character or it can be used to implement new building types when a radical change is desired. Building types can be easily replicated, by regulating for similar architectural styles and details as already exist. Infill that is compatible with surrounding structures is thereby promoted on the blocks identified for form regulations. The design standards will be provided outside the zoning ordinance. The places in Rockville where existing design recommendations have been created through neighborhood plans and where design regulations will be applicable at the expected time of adoption of this ordinance are: 1) Town Center, 2) Twinbrook Metro Performance District and 3) the Stonestreet Corridor. It

is the desire of the City that more form regulations will be developed as more areas of the City are reviewed for neighborhood plans.

Another purpose of the mixed-use districts is to map and regulate for the type of development desired on the remaining green areas of the City. In essence, by providing the different mixed-use alternatives and mapping them on the green areas of development, the City is eliminating the need for future planned developments. A concern of the RORZOR Committee has been to remove the negotiation processes from the zoning ordinance. Instead, the Committee would like to focus on having high standards to ensure that the quality development desired is provided.

The RORZOR Committee is also concerned about ensuring that a mix of uses is provided in each area, and not dominated by the most popular use in the market at the time of development. A consideration of the revision is to ensure a minimum percentage of each type of use desired in the different zones.

Specific Sections:

25.13.01 - Purpose

The City of Rockville would like to encourage more mixed-use districts in areas where compact, pedestrian-scaled, neighborhoods and commercial centers should be developed. Mixed-use classifications should help provide a desirable combination of compatible residential, office, retail and service uses. These districts can help to reduce the frequency and distance of car trips; foster safe, active pedestrian environments; provide residential and employment density to support transit; and attract new residents and employers looking for urban amenities. Still to be decided is whether these areas will include any industrial uses within the mix.

25.13.02 - Districts Established

The following list of prospective districts only provides examples of mixed-use districts that may be included in the ordinance, at this stage of the revision. As the drafting stage continues, and individual areas of the City are reviewed, the particular districts to be included in the revision will be more clearly identified.

A. Mixed-Use – Residential Predominant

Currently this district is envisioned as permitting only a combination of multi-family residential uses and low impact retail and service uses. It will likely be applied to current multi-family districts in primarily residential areas. This district will be reviewed in conjunction with Article 11 to determine the best location for these regulations.

B. Mixed-Use – Metro Area

This district will allow a combination of multi-family residential, commercial (of various intensities) and office uses. This grouping is key to reducing the number of automobile trips and can conserve on parking spaces through shared parking. The

likely areas of these districts will be along Rockville Pike and in Town Center around Metro stations. These two areas, under the current Zoning Ordinance, had individual zones associated with them. It is the recommendation of the RORZOR committee to remove these individual districts in lieu of a common zoning classification. Standards for this zone will be based on the current requirements of the current RPC, TC-3 and TC-4 zones.

C. Mixed-Use – Transitional

This district will be based on the current proposal for the Town Center East District from the Stonestreet Plan. It will provide transitional elements, as discussed above (such as height regulations), which ensure compatibility with surrounding areas. It will also include a mix of uses though not as intense a mix of uses as high impact or Metro area districts.

A second transitional mixed-use zone may be needed. For instance, the current C-T district may be incorporated here, which would allow existing townhouses to transition between office and residential uses. The current C-T district would provide a buffer between single-family residential districts and higher impact areas of the City.

D. Mixed-Use - Neighborhood Commercial

These districts will be located in the current commercial centers of various neighborhoods. The actual location of these districts will be determined in the mapping stage of the revision process. These areas will allow ground story retail uses and upper story residential uses. While offices will also be allowed, the use of home-based businesses or live-work units may be emphasized to encourage 24-hour inhabitation of these areas.

E. Mixed-Use – High Impact

These districts will allow a mix of commercial, residential, and office uses; however the emphasis will be on encouraging commercial, office or possibly industrial uses.

25.13.03 - Uses Permitted

A. Use Table

A table of uses will be provided showing permitted (P), special exception (S), permitted with constraints (C), and not permitted (blank) uses. This table will be similar to the one found in the other district articles.

Use Table for Mixed-Use Districts							
P= Permitted by Right S= Special Exception C = Permitted with Constraints							
Category	Specific Use	Zoning Districts					Addl. Regs.
		MU – RP	MU – MA	MU – T	MU – NC	MU – HI	
Retail	Restaurant	P	P	S	S	P	§25.10.2
	Craft Store		S	P	P	P	
Service	Barber / Beauty Shop	C	C	P		P	
	Pet Grooming	C	C	P	C	P	

B. Use Specific Regulations

This section will contain all of the special standards and requirements that apply to individual use types listed in the use table. The standards could apply to uses regardless of whether they are permitted with constraints, or are subject to the special exception use process.

25.13.04 - Dimensional Requirements

Specifically excluded from this section are §§25–315, 318, 320, 321, and 326.

A. Table

Included in the table of requirements may be a new floor-to-floor height of ground floor space that is recommended in the APA model mixed-use code at 11 feet for ground floors. In addition, the revision will consider a ground floor minimum area to ensure that ground floors do not sit vacant.

Intensity and Dimensional Standards for Mixed Use Districts											
District	Max Gross Density (du/acre)	Min Lot Dimensions			Building Envelope Requirements					Max Lot Coverage	Add'l Regs
		Area	Width	Frontage	Minimum Setbacks*			Max. Height	FAR^		
					Front	Side	Rear				
MU-RP											
MU-MA											
MU-T											
MU-NC											
MC-HI											

*Note – Setbacks may be changed to build-to lines in an effort to provide more pedestrian accessibility.

The APA model code for mixed-use districts recommends that all buildings be located within 10' of the front and side street property lines to accommodate flexibility of features like outdoor seating, display, stoops, and sidewalk widening. The minimum rear setback should be 0-30% of the lot depth.

^ Note – The model mixed-use code recommends a floor area limitation of 15,000 which would help ensure that allowed commercial uses are geared toward neighborhood markets. This size limit would accommodate a modern drug store.

B. General Design Guidelines

If any are deemed appropriate, general design guideline requirements will be provided here (for example, that all visible facades must have the same quality design).

C. Proximity to Residential Zones

In addition to providing the general requirements of lot and building dimensions, there will be an additional requirement in mixed-use districts to ensure compatibility with surrounding single-use districts. In particular, where a mixed-use district is adjacent to a single-family district, the buildings on properties adjacent to single-family residential districts must be set back so many feet (20?) and the height must follow a height plane (45 degrees?).

The revision will also include residential density limitations for each type of mixed-use district. Mixed-use districts to be included in the revision will technically be new for the City; however, current mixed-use allowance regulations will be used as guidelines for the new regulations. (Current §§25-311, 328, and 332)

D. Indoor / Outdoor Uses

All permitted uses must be conducted within completely enclosed buildings, unless otherwise expressly authorized. This does not apply to off-site parking and loading areas, automatic teller machines or outdoor seating areas. A question for the revision is whether this should be applied to other districts as well as the Mixed-Use districts.

25.13.05 - Special Form Regulations in Certain Districts

If there are special form regulations proposed for individual areas of certain districts, such as Town Center and Rockville Pike, they will be referenced here. Also to be included here is the location of where these documents will be kept so the reader can find such information. In the on-line version, hyperlinks can easily be applied to link the reader to the actual design guideline documents also on-line.

25.13.06 - Accessories

Accessory uses and structures must comply with the requirements of Article 9.

25.13.07 - Nonconformities

Nonconforming uses and structures must comply with the requirements of Article 8.

25.13.08 - Parking and Loading Requirements

Parking and loading requirements for uses in the mixed-use districts must comply with Article 16. The parking article will also reference all specific requirements of any mixed-use district.

25.13.09 - Landscaping and Buffer Requirements

Landscaping and buffer requirements for uses in the mixed-use districts must comply with Article 15. The landscaping section will also reference all specific requirements of any mixed-use district.

25.13.10 - Signs

Sign requirements for uses in the mixed-use districts must comply with Article 17. The sign article will reference all specific requirements of any mixed-use district.

Article Fourteen – Special Districts

Contents:

1. Historic District Overlay (n)
2. Conservation District Overlay (N)
3. Open Space District (N)
4. Existing Special Development District (N)

General Commentary: This Article will outline the particular requirements of those special districts, which do not fit into any of the other categories of districts. The first of these districts is the Historic District Overlay. There are no proposed changes to this district for the revision. This section will provide all the requirements of the district in a central location. Specific requirements of the Historic District Commission and Historic District Permits will be found in Article 4 and 7, respectively.

The second special district is the Conservation District Overlay. Where applied, this district is the recommendation of individual neighborhood plans. The particular requirements of these overlays will be provided in the design guidelines and neighborhood plans, to be maintained outside the zoning ordinance.

The third district in this Article is the Open Space District. Originally opposed by staff, the RORZOR Committee would like to continue developing standards for this district in the draft. The application of this district will likely be on the Civic Center property and potentially on other sites throughout the City. The uses permitted within this zone will be determined in the drafting stage, but will include the uses currently on the property.

Finally, a special zone is created for the existing special development districts, established prior to the adoption of this zoning revision. These developments were established with approved conditions and underlying base zone requirements. Those requirements will be maintained after the zoning revision. The particular standards of these districts will be maintained outside the zoning ordinance.

Specific Sections:

25.14.01 - Historic District Overlay

A. Purpose

The purpose of an historic district overlay is to provide the City with the standards necessary to allow the preservation, enhancement, perpetuation, and use of historic, cultural, or architecturally significant structures and sites in the City. Preservation and enhancement of these structures and sites allow for the 1) safeguarding of the City's heritage, 2) stabilizing and improving the property values of those sites and structures, 3) fostering civic beauty, 4) promoting the preservation, and the use of historic districts for the education, welfare and pleasure of the residents of the City, and 5) strengthening the local economy. (Current §25-300)

B. Location

The areas of Historic District Overlay are designated on the zoning map incorporated into these regulations under Article 2.

C. Historic District Commission

The Historic District Commission of the City of Rockville will review all construction and development on historically designated sites. Specific requirements of the Historic District Commission will be found in Article 4.

D. Designation of Properties

The Historic District Commission may identify and recommend eligibility of properties considered valuable for its historic, archeological, or architectural significance to Mayor and Council to initiate a map amendment process. Properties so designated must meet all the requirements of this Article.

E. Exterior Changes to Structures

Before a person may construct, alter, reconstruct, move or demolish a site or structure located within a designated district, if any exterior changes in material or design, the person must file an application with the Historic District Commission. No permit is required for ordinary maintenance (paint, repair, replacement of the same materials).

1. *Approval Required*

No exterior change may be conducted until approved by the Commission.

2. *Design Guidelines*

The design guidelines for exterior change adopted by the Historic District Commission will be incorporated into the ordinance. All development in a Historic District must comply with these guidelines. There are three separate sources used to review individual properties. Those sources are:

- Senkevitch, Anatole, Jr., “Adopted Architectural Design Guidelines for the Exterior Rehabilitation of Buildings in Rockville’s Historic Districts,” Adopted 1997.
- U.S. Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, as amended.
- City of Rockville: Technical Guides for Exterior Alterations, Adopted 2004.

F. Incorporation of Maryland Law

All other provisions and subsequent modifications of Maryland Law, 66B, Chapter 8 will be incorporated into the Zoning Ordinance.

25.14.02 - Conservation District Overlay

Where the neighborhood plan recommends some change (for instance, a likely relief valve for front porches in the Twinbrook neighborhood), this section will reference the design guidelines, conservation district requirements (such as Lincoln Park's requirements), or other standards established by individual neighborhood plans. These additional design requirements or dimensional standards will likely be included in documents outside the Zoning Ordinance.

25.14.03 - Open Space District(s)

It is the recommendation of the RORZOR Committee to consider the provision of an open space district (or districts) in the City; although the recommendation of the Green Requirements White Paper was to the contrary. As the draft is created, and as the mapping of zones is considered, the location and allowable uses of this district(s) will be considered. Because so much information is still to be determined, the outline is purposefully vague about the sections that will be included here.

The purpose of these districts is to maintain areas without commercial, residential, office or industrial development. Instead, these areas should be preserved for both active and passive recreation activities.

Currently, the division of these districts will be based on the different open space requirements of the City. These districts are likely to change as the draft is created. The division will be based on whether the property is publicly or privately owned, a golf course or the Civic Center property, and the size of other parks.

An additional consideration will be the desire to conserve open space when large tracts of currently civic uses are redeveloped. Uses such as swim clubs, churches, civic buildings, and schools located on parcels greater than 5 acres, have the potential to be sold and redeveloped. If that ever occurs, the preference of the RORZOR Committee is to ensure that part of that space is retained for public use. The committee would prefer a number of pocket parks in close proximity to residential uses than to have one or two large areas that require driving to reach. As a result, the revision will consider having a higher open space dedication requirement on these areas. That may mean creating a special open space zone for these parcels or it may mean the development of a special clustering zone.

25.14.04 - Existing Special Developments District

A. Establishment of District

There will be one Special Development District to be mapped on the zoning map where developments have been created under the "special development procedures" of the Zoning Ordinance in existence before the revision.

B. Requirements of District

The requirements of this district are those base district requirements and conditions of approval applied at the time the development was approved. Each development

will have different requirements. The generalization of these regulations is meant only to alert the reader that there are other standards, which they must seek out. The list of individual base zone and conditional requirements for each special development will be maintained by the Planning Department in City Hall.

Article Fifteen - Site Development Requirements

Contents:

1. Open Space (n)
2. Landscaping, Buffering, and Screening (N)
3. Exterior Lighting (N)
4. Sidewalks (N)
5. Shadows (N)
6. Environmental Guidelines (n)

General Commentary: Site development requirements will be an especially important part of the Ordinance, given the strong interest of the City in ensuring that new development and redevelopment are compatible with existing neighborhoods.

It is the determination of the RORZOR Committee that the parking and sign standards should be separated from these site development requirements. Parking and signs requirements are detailed and frequently used. As a result, they are best addressed individually. In addition to these standards, there are building development standards and lot requirements found in individual district articles (Article 10 to 13).

Specific Sections:

25.15.01 - Open Space

There are many considerations of open space in a zoning ordinance. The term “open space” can mean different things to different people. For instance, it can be green or not green, publicly accessible or not, publicly or privately owned, passive or active. If it is active, then it may be a myriad of activities. What the RORZOR Committee proposes is that this section explain those various options of City open space and ensure that the requirements of types of open space the City would like to see are clearly explained here.

A. Purpose

The requirements of open space will be separated into the various considerations of the different types of open spaces (green v. hardscaping, active v. passive, public v. private, etc.). The purposes, however can be lumped together. Those purposes are to preserve open space and natural environment resources to:

1. Promote an appropriate balance between the built environment and open space;
2. Protect private and public investment;
3. Protect and preserve the character of the City.

B. Individual Yards

This section will incorporate many of the general provisions of open space calculations currently provided in §25-19, “Area.” In particular, sharing of open space or yard requirements is not permitted for multiple buildings or lots. Setbacks, vegetative covering requirements, and other types of open space yard

requirements will be provided in the dimensional standards in the individual district articles.

C. Public Dedication of Open Space

Parkland dedication has only been a requirement with Planned and Cluster Developments under the current Zoning Ordinance requirements. It appears, under the revision, that public open space dedication may be a requirement for all new development of a certain size. The standards for that dedication for different types of parkland will be provided here. Other areas of public open space, such as stormwater management areas, will be referenced here but the requirements will be found in the stormwater management chapter of the City Code. For active open space, the requirements of whether the area remain green or be outfitted for certain activities (basketball courts, soccer fields, etc.) will also be explained.

Also to be included here are the procedures for conveyance (such as approval of City Attorney, title requirements, plats, easements, performance guarantees, etc.) or a reference to where the procedures can be found. (Current §§25-592 through 595)

D. Private Open Space

Certain types of open space may be better to be owned and maintained by the landowner or homeowner association. Things such as hardscaped plazas and even large parks (which would require costly maintenance) may be in the City's best interest to maintain in the private owner's hands. If these areas are to be left open for public access, that requirement should be specified here.

25.15.02 - Landscaping, Buffering, and Screening

This section will be based on Article X of the current ordinance. The major revision will be to provide all technical requirements in a separate design manual referenced here but maintained outside the ordinance. Included in the manual will be general purpose statements. The purposes of landscaping include: 1) to improve the quality and appearance of the built and natural environments; 2) to promote the preservation of open space, existing tree canopy, and vegetation; and 3) to assist in moderating temperatures of impervious areas. The purposes of buffers and screens include: 1) to ensure attractive views from streets and adjacent properties; 2) to enhance the streetscape by separating the pedestrian from motor vehicles; 3) to promote and increase design compatibility between different land uses; and 4) to shield adjacent properties from potentially adverse external impacts. The forestry department will be closely consulted when these standards are developed. Included in those guidelines will be:

- Preparation of plans – who is authorized to submit a landscaping plan and the requirements for each plan (size of document, where submitted, what information should be on the plan);
- Approved plant list (of native species);
- Screening requirements (depth, maintenance, location, acceptable plant list);
- Amelioration of invasive species;

- Performance surety;
- Maintenance expectations; and
- Particular landscape requirements for different developments and districts such as: subdivision, street trees, stormwater management ponds, residential developments, mixed use areas, buffers, parking, etc. (One particular regulation to revise is the three trees per lot requirement especially in Residential Townhouse districts. Staff would prefer to require plantings in common areas where common areas are required) (some found in Current §§25-431 thru 435, 438, 694, and 710.25 and for different uses in §§25-436 thru 437).

25.15.03 - Exterior Lighting

A. Purpose

The purposes of lighting regulations include:

1. To protect against:
 - a. The spillover of light to adjacent properties; and
 - b. Glare onto public rights-of-way thereby impairing the vision of motorists and adjoining properties;
2. To increase nighttime utility, safety, security, and productivity;
3. To foster the nighttime use of property; and
4. To protect the privacy of residents.

B. General Regulations

This section will address new lighting requirements for the City of Rockville. General regulations will include:

- Details of exterior lighting should be provided on a landscape site plan.
- The details of what types of light plans should be provided to the City will be included here.
- All exterior lighting should be directed downward and away from adjoining residential property, with luminaries shielded to prevent unnecessary glare.

25.15.04 - Sidewalks

A. Purpose

The purposes of the sidewalk regulations are to:

1. Encourage a safe pedestrian-oriented environment;
2. Help create a visually attractive atmosphere and streetscape;
3. Promote overall commerce; and
4. Provide pedestrian connections to transit centers.

B. General Regulations

Sidewalk provisions will be provided here for new development. Requirements will be based on the proposals in the Sidewalk White Paper, with consideration to the potential range of uses within abutting buildings and benefits of both public and private sidewalks. In particular, standards should be developed for the different street classifications for the following elements of a sidewalk in a mixed-use area:

- 1) a maximum storefront expansion zone when a sidewalk is on private property in

a public access easement, 2) an unobstructed pedestrian zone, 3) a minimum width of tree panel or tree planting opening and/or amenity zone, and 4) a buffer zone between the street and street trees. These ranges will be further developed and more particularly assigned to different areas of the City. Much like the current street classification system in the City, a classification of sidewalks will be provided. Also included will be newspaper box requirements.

25.15.05 - Shadows

A. Purpose

The purpose of shadow regulations is:

1. To encourage a high standard of development by providing that neighboring land uses will be compatible; and
2. To protect open space, historic property, and elements of a City environment which rely on sunlight (trees, plants, solar collectors, etc.)

B. General Regulations

The draft stage of the ordinance will consider imposing shadow regulations. Initially, these regulations were proposed to be based on the current standards for Rockville Pike and Town Center. Currently, the Ordinance states that developments must be planned in relation to one another so that no building shall cast a shadow on existing or approved residential structures between 10 am and 2 pm on 12/21. There has been a request from the RORZOR Committee to consider regulations in relation to the amount of light that reaches street level. Staff is currently reviewing the options to achieve this goal.

25.15.06 - Environmental Guidelines

This section will only incorporate the City's Environmental Guidelines as adopted in 1998. Staff is currently reviewing those guidelines to determine whether they would like to revise any of them. The language provided here will require compliance with the guidelines (which are maintained outside the ordinance). Within the guidelines there is flexibility as to how to achieve set goals.

A. Purpose

The purposes of environmental guidelines, taken from the Environmental Guidelines themselves are:

1. To protect the City's existing natural resources;
1. To aid in implementation of existing Federal, State, and local laws and regulations of natural resources;
2. To help coordinate review of environmental site development issues; and
3. To allow for balancing of conflicting interests.

B. General Regulations

There are a number of natural environment concerns that may be addressed indirectly in the Zoning Ordinance. For an explanation of the natural and built environment concerns to be incorporated into the Zoning Ordinance, see the City Environment paper presented to Mayor and Council on March 6, 2006.

Article Sixteen - Parking

Contents:

1. Purpose (n)
2. General Requirements
3. Off-Street Parking Requirements
4. Vehicle Spaces Required (n)
5. Bicycle Parking (n)
6. Location of Parking (n)
7. Parking Space Dimensional Requirements (n)
8. Location from Use (n)
9. Parking Area Requirements (n)
10. Loading Requirements (n)
11. Garage Design (N)
12. Automatic Structured Parking (N)

General Commentary: From the Parking Issue Paper, a number of changes are proposed for this section of the ordinance. The individual sections below provide a greater explanation of the particular changes for the revision. One consideration for the revision that is not reflected in this Article is whether to include regulations for valet parking and/or tandem parking. It is the recommendation of the RORZOR Committee to pull the parking information out of the general site requirements article and into a separate Article of the ordinance.

If there are individual parking requirements by district, they will be referenced under the applicable sections of this Article.

In the draft process, the particular requirements of parking within this Article will be reviewed to determine where more flexibility can be placed for ever-changing innovations in environmental protection.

Specific Sections:

25.16.01 - Purpose

The purposes of parking standards are to:

- Relieve traffic congestion in the streets by providing adequate on-site parking area to meet the needs generated by each property;
- Minimize any detrimental effects of off-street parking areas on adjacent properties; and
- Ensure the proper and uniform development of parking areas throughout the City.

25.16.02 - General Requirements

There are a number of general regulations with regard to parking requirements in the City. Parking may never be situated so that vehicles are forced to back out onto the street. Additionally, there are general storage considerations of parking. Garages may

be included when calculating the required parking spaces, though they may also be used for storage. Other parking lots, however, may *not* be used for storage. (Current §§25-386, 387, 392 and 391)

25.16.03 - Off-Street Parking Requirements

A. General Provision

Off-street parking must be located entirely on the same lot as the use that it serves, unless an automobile parking structure is created off-site that meets the requirements prescribed in the ordinance.

B. Limitation in Certain Districts

1. *Single-Family Residential Zones*

In single family residential zones, off-street parking must be limited to passenger vehicles, not more than 2 delivery-type commercial vehicle (maximum $\frac{3}{4}$ ton capacity) or 1 truck with an issued special permit and trailer (not for dwelling purposes). (Current §25-389)

2. *Attached Residential Zones*

In multi-family zones, there are also special limitations on the types of vehicles to park off-street.

25.16.04 - Vehicle Spaces Required

One particular change will be to place off-street parking requirements in an easy-to-read chart similar to other charts to be used throughout the Zoning Ordinance. Uses listed in the chart will be cross-referenced with the uses provided in other sections of the Zoning Ordinance. All parking requirements will be reviewed and compared with national and similar local standards. A consideration of the revision is to recast current requirements that are based on the number of employees, so that they are instead based on size or some other more static measure. (Current §25-395)

In addition, there was been a proposal to develop a maximum cap on the number of permitted parking spaces for certain uses. Currently, the City only has minimum parking space requirements. Maximization of spaces required, however, could reduce the size of certain parking areas, thereby providing greater land for redevelopment and higher densities that support multiple transportation options. As these standards are reviewed, the need to maintain minimum standards will be reconsidered on a district-by-district basis. Still to be considered in the draft stage is the flexibility between uses and parking quantity.

A. Parking Quantity Table

In addition to minimum and maximum parking space requirements, all special zone requirements will be provided in this Article for each individual district. The district Articles, likewise, will reference this Article so that all parking standards can be grouped together. Methods of calculation, however, will be provided separately in the calculations definitions section of Article 3.

Parking Quantity					
Use Category	Use	Method of Calculating	Minimum Parking Spaces	Maximum Parking Spaces*	Additional Requirements
Residential	Duplex	Per Dwelling	2	3	25.16.04
	Multi-Family	Unit	1.5	2	25.16.04
Commercial	Craft Shop	Per 400 Square Feet	1	2	
	Daycare	Per 5 Children	1	2	

*One consideration for the revision is to place maximum parking spaces on a lot-by-lot or area-wide basis. The numbers in this chart represent sample lot-by-lot limitations (though are not necessarily the numbers to be incorporated into the final draft).

B. Multiple Uses On-Site

1. Single Use Calculations

Where shared parking is not allowed, or possible because the uses to share have similar hours of peak need, the requirements of parking spaces will be added together. (Current §25-390). Currently, there are provided exclusions to this requirement such as location near transit (Current §25-390) provided later in this section. (See Flexible Parking Standards, below)

2. Shared Parking

In addition to the quantity of spaces, shared parking regulations will be provided here. Based, in part, on current shared parking standards for Town Center, these provisions will vary by the type of use and time of day. (Current §25-693). This chart is used in conjunction with the parking quantity chart, found above. When the minimum number of spaces is determined from the parking quantity chart, the percentage of that minimum requirement to be provided is determined by this chart. The use terms will be reviewed to determine if they coincide with the uses listed on the Parking Quantity table and the uses listed within each District Article.

Staff has a resource guide, Shared Parking by the Urban Land Institute, which may be best referenced in the Zoning Ordinance. In other words, all new shared parking applications must meet the requirements of the latest version of Shared Parking. This database includes the latest figures and trends in parking calculations and would allow for a greater mix of uses to be calculated on a case-by-case basis.

Current Town Center Shared Parking Table					
Use	Weekday		Weekend		Nighttime
	Daytime 6 a.m.-- 6 p.m.	Evening 6 p.m.-- midnight	Daytime 6 a.m.-- 6 p.m.	Evening 6 p.m.-- midnight	Midnight-- 6 a.m.
Office/industrial	100%	10%	10%	5%	5%
General retail	50%	90%	100%	70%	5%
Hotel, motel, inn	70%	100%	70%	100%	70%
Restaurant	50%	100%	100%	100%	10%
Indoor or legitimate, theater, commercial recreational establishment	40%	100%	80%	100%	10%
Clubs*	50%	100%	100%	100%	10%
Residential**	60%	90%	80%	90%	100%
Institutional and public uses	50%	100%	100%	30%	5%
All other uses	100%	100%	100%	100%	100%
*Clubs – community center, museum, civic club, private club, lodge and health and fitness establishment. **For parking spaces designated exclusively for residential use, 100% of the required parking must be provided.					

C. Handicapped Parking

Handicapped parking regulations will remain the same, in accordance with current Federal standards. (Current §25-388)

D. Flexible Parking Standards

Included here will be flexible standards to allow for the reduction of parking minimum requirements, where the development requiring parking meets certain standards. An additional consideration for the draft would be to allow parking lots to be operated by attendants. Additional redevelopment may not require the same parking standards as before (i.e. during construction). These would also reduce parking space needs.

1. *Standards Near Metro*

Based on the County's current sliding scale, a percentage of minimum parking will be reduced based on the location of the use near a metro stop. (Current §25-389(e))

2. *Other Quantity Standards*

Any other means of allowing reduced parking standards will be provided here. Examples may be based on the type of population expected for a use (i.e. older

or younger people who do not drive), or environmental constraints such as a tree save on a property. (Current §§25-390, 389, 693)

3. *Reduction of Paving*

To reduce impervious surface in the City, another consideration of flexibility is to require that the entire area for parking requirements be met; however only a set percentage be required to be paved (for example 85%) for surface parking lots (not garages). When demand for the additional pavement is demonstrated, then the rest of the area (for example 15%) can be changed to parking spaces. The question is whether to include this here as a requirements or to provide this as an amenity in the amenity development option.

25.16.05 - Bicycle Parking

Included in this section will be requirements for developments in mixed-use and multi-family districts to provide for bicycle parking. The standards to be included will be initially based on the requirements currently used by the Department of Public Works (1 bicycle space for every 50-car parking spaces) though these standards will be reviewed for applicability to new zoning districts. Lockers will be required for residential units and racks will be required for retail uses.

25.16.06 - Location of Parking

All parking requirements of this article must be located on and entirely within the same record lot, unless provided otherwise elsewhere. (Current 25-391). Off-street parking requirements may be met anywhere on-site (subject to other requirements of this chapter) such as rooftops, open space, basements, etc. (Current §25-394)

25.16.07 - Parking Space Requirements

A. Size of Parking Spaces

The current City size (9' X 18') of parking spaces will be reviewed in coordination with landscape requirements, as discussed by the RORZOR Committee. Handicapped space sizes must be in accordance with Maryland Building Code for the Handicapped. There are also special regulations for the size of parallel spaces. Currently, regulations allow smaller sizes in a Planned Development. (Current §25-411)

One recommendation has been to base the size of parking spaces in relation to the level of service desired for each garage or lot.

B. Limitation on Spaces

No off-street parking surface area may contain more than 150 spaces. If more than 150 spaces are required, the additional spaces must be separated from the first 150 by a landscaped area 10' in width. (Current §25-411). This may change in light of new parking lot landscaping requirements. A consideration will also be whether there should be a limit of parking spaces in a garage.

C. Demarcation

Each space must be clearly marked and adequate directional arrows or signs provided if there are particular requirements of a space (for example, handicapped space or compact vehicle space). (Current §25-411). Current studies, done elsewhere in the world, have demonstrated that people park closer to the curb if a shorter line is used to mark parking stalls. While the full length of the parking stall should be included in measurements, only $\frac{3}{4}$ of the length should be painted to encourage close-in parking.

D. Grade

Parking spaces may not be installed on grades in excess of 5%. (Current §25-411)

E. Wheel Bumpers / Curbs

All parking spaces must be separated from other things (such as walkways, sidewalks, roads, etc.), except other parking spaces by these items. (Current §25-411). One question for the revision is whether the City needs to maintain this requirement. Current trends in the country do not require these. In fact, some view these items as a pedestrian hazard.

25.16.08 - Location from Use

Requirements may be met off-site (on a separate lot) by a permanent automotive structure so long as a major part of a pedestrian access is within 500' to the entrance of such use. (Current §25-391). To encourage more shared parking, the current requirement that parking be located at least 500 feet from the use which it serves will be reviewed and potentially increased for uses in mixed-use and industrial zones.

25.16.09 – Parking Area Requirements

A. Interior Driveway and Turning Radii

(Current §25-412)

B. Entrance / Exit

(Current §25-413)

C. Paving

Paving requirements will be cross-referenced with the requirements listed above under flexible parking spaces, that the entire area for parking need not be paved immediately. In addition, if alternative paving materials are required, they will be provided here. (Current §25-415)

D. Landscaping

Currently, the City of Rockville requires only two and one-half ($2\frac{1}{2}$) square feet per parking space for a parking lot of forty (40) spaces or more to be landscaped. (Current § 25-417). This creates a ratio of approximately .7% of the entire parking surface to be landscaped. Staff recommends increasing the landscaping requirements of parking lots to the standard of 5% or higher of the entire parking

surface. Staff also recommends reducing the minimum number of spaces required between landscaping features. Currently, the ordinance requires a landscaping feature to be located every 150 spaces. (Current §25-411(f)). The forestry department recommends that in parking lots exceeding 40 spaces, a minimum of one tree for every 30 linear feet of parking space should be required on a minimum 8' wide tree lawn in between rows of cars.

E. Pedestrian Walkways

Pedestrian walkways must be provided in all off-street parking facilities where necessary for safety. (Current §§25-418 and 710.24). If special paving requirements are demanded for these walkways (i.e. distinctive brick) those requirements will be provided here.

F. Lighting

Lighting requirements must comply with standards in Article 15. (Current §25-416)

25.16.10 - Loading Requirements

Current requirements will be reviewed in view of landscaping and screening requirements. (Current §25-414)

25.16.11 - Garage Design

Shared parking garages should be designed for safety so that they will continue to be used. Parking garage guidelines should, therefore, include recommendations that they be designed in 1) an open manner 2) with sufficient lighting and 3) with visible stairwells and elevator lobbies. (Current § 25-394). Garages should also be designed to match or coordinate with other structures on site. Recently, Mayor and Council approved the budget for notification signs of empty spaces and demarcation signs for public garages in the Town Center. Design standards should ensure that these signs are permitted.

25.16.12 - Automatic Structured Parking

New regulations controlling the design of automatic structured parking will be included here. These structures have been requested in the past, but have not yet been built in the City. If the City receives future requests, standards should be in place to ensure the appropriate design is achieved.

Article Seventeen - Signs

Contents:

1. Purpose
2. Exemptions
3. Construction, Design and Maintenance of Signs
4. Only Permitted Signs Lawful; Signs Specifically Prohibited
5. Sign Permits; Appeals
6. Nonconforming Signs
7. Removal of Signs
8. Signs Permitted for Residential Uses in All Zones
9. Signs Permitted for Nonresidential Uses in Residential Zones
10. Signs Permitted in Commercial and Industrial Zones
11. Signs Permitted in Mixed-Use Zones
12. Election Signs
13. Signs on Public Property and the Public Right-of-Way
14. Noncommercial Signs in Lieu of Commercial Signs

General Commentary: Signs provide an important medium through which individuals and entities may convey a variety of commercial and noncommercial messages. Left completely unregulated, however, signs can become a threat to public safety as a hazard to property, persons, and the motoring public, and a detriment to property values and the overall public welfare as an aesthetic nuisance.

A separate task force will be organized to review the sign regulations of the sign ordinance and should involve the Sign Review Board. (Current §25-456 thru §25-473). Amendments may include updated illustrations, reorganization, and the consideration of more consistent sign regulations with the type of developments proposed in this zoning revision.

One change will be in the organization of the sign Article. For instance, the current §25-459 and §25-460 provide the regulations for how to measure sign area and sign height. These standards will now be included in Article 3, under “Terms of Measurement.” In addition, the sign permit requirements of current §25-462 will be referenced here but the requirements will be located in Article 7, Permits. The nonconformities requirements of current §25-463 will be provided in detail in Article 8, while this article will reference that part of the ordinance, as well. Other reorganization possibilities will be considered as the remaining articles are drafted.

To facilitate the sign approval process, the review will consider whether to include a table of permitted signs. By indicating in such a table the signs allowed without a sign certificate or permit, the signs permitted only after issuance of a permit, (or sign review board approval) and signs not allowed in particular districts, readers would have a quick guide to understanding what signs and regulations they would need to follow when proposing a development.

Whenever the final district division is decided, the sign Article will be reviewed to ensure compliance with those districts.

Specific Sections:

25.17.01 - Purpose

The purposes of sign regulations outlined in the current ordinance are:

- A. To enable the public to locate goods, services, facilities, and geographic areas without difficulty, danger, or confusion;
- B. To reduce traffic and pedestrian hazards and prevent interference with the effectiveness of traffic regulation;
- C. To promote the compatibility of signs with the surrounding land uses;
- D. To protect the public investment in the roadways in the City;
- E. To promote and preserve the economic well-being and vitality of the community;
- F. To enhance and improve the environment of the City and protect property values by preventing visual clutter and blight;
- G. To preserve the residential character of the City's residential neighborhoods; and
- H. To provide effective opportunities for the expression of commercial and noncommercial communication while protecting the public and the community against adverse affects from the unrestricted proliferation of signs.

25.17.02 - Exemptions

This section will incorporate current §25-457 as to the type of signs to which this article does not apply.

25.17.03 - Construction, Design, and Maintenance of Signs

This section will incorporate the current requirements of §25-458. Included will be requirements for permanent and temporary signs as well as maintenance requirements.

25.17.04 - Only Permitted Signs Lawful; Signs Specifically Prohibited

This section will incorporate the current requirements of §25-461. The requirements of this section are self-explanatory in the title.

25.17.05 - Sign Permits; Appeals

This section will reference the permit and appeals requirements to be located in detail in Article 7 of the revised ordinance.

25.17.06 - Nonconforming Signs

This section will direct the reader to Article 8, Nonconformities.

25.17.07 - Removal of Signs

This section will provide the requirements of removing a sign as stated in the current §25-464.

25.17.08 - Signs Permitted for Residential Uses in All Zones

The current requirements of §25-465 will be listed here.

25.17.09 - Signs Permitted for Nonresidential Uses in Residential Zones

This section will list the sign requirements as they apply to the uses permitted in residential zones under the revision. Currently, §25-466 provides standards for places of worship, special exception uses, and temporary real estate signs. If, as recommended for the revision, some home based businesses are made permitted the sign requirements for those will need to be addressed, as well as any other use that changes through the revision.

25.17.10 - Signs Permitted in Commercial and Industrial Zones

If it is the determination of the revision to maintain a few commercial and industrial zones, this section will provide the requirements for those particular zones. Current regulations from §25-468 will be the basis of this section.

25.17.11 - Signs Permitted in Mixed-Use Zones

One change for the revision will be to include new provisions of mixed-use zones in the City. The current Town Center and Rockville Pike districts as well as some Commercial, Office, and potentially Industrial districts will be consolidated into these new districts. The current sign requirements of §§25-467 through 25-470 will be the basis of this section. The RORZOR Committee would like to consider some provisions for off-site signs and to allow some variety within shopping centers, including sandwich signs.

25.17.12 - Election Signs

Current requirements of §25-471 will be listed here for election signs.

25.17.13 - Signs on Public Property and the Public Right-of-Way

Current requirements of §25-472 will be provided here for signs on public rights-of-way.

25.17.14 - Noncommercial Signs in Lieu of Commercial Signs

This section was added recently to ensure that any sign permitted by this Article to contain a commercial message may, in lieu of a commercial message, contain a noncommercial message unrelated to the business, tenant, or entity located on the premises as long as the requirements of the sign (height, size, setback, location, duration, maintenance, etc.) are met. (Current §25-473)

Article Eighteen - Enforcement

Contents:

1. Compliance Required (n)
2. Violations (n)
3. Responsible Persons (N)
4. Enforcement Generally (N)
5. Remedies and Penalties (n)
6. Violation Procedure (N)

General Commentary: This article will contain all enforcement-related provisions of the ordinance. Codes are only as effective as the power and willingness of the City to enforce its regulations. Currently, enforcement provisions are a small section of the ordinance's general regulations. By separating them out, and clearly outlining important considerations in enforcement, the general public should be certain of penalties and their responsibilities under the ordinance.

One general question of this section is how to address enforcement provisions. In multi-stage projects, some bond requirements are not completed before other things are done. The City needs a mechanism to help 1) require more bonds to ensure that the entire project is completed; 2) substitute bonds with a line of credit if the project is not completed because a line of credit is stricter); or 3) tie to approval requirements the completion or issuance of additional permits.

As was with the hearing requirements of this outline in Article 5, a number of provisions in this outline section 18.2 (violations) were taken from the amendment section of the current ordinance. One consideration for the revision is whether these standards should only be applied to amendments alone or, as set out here, whether they would be applicable to all violations.

To be reviewed in the drafting stage of the ordinance are the Due Process requirements if the City decides to provide more remedies than municipal infractions. If stays and stop work orders are included in the revision, the zoning ordinance will need to clarify (among other things) who has standing to initiate the complaint, who has a right to speak at hearings, and what is a reasonable time for a hearing to be conducted.

In addition, the RORZOR Committee has expressed some concerns that fines are not always the best penalty. As these fines go to a general fund, some means to direct the penalty to the benefit of the surrounding neighborhood should be considered. In addition, there should be a strong penalty for those developers who willfully neglect to follow the requirements of the zoning ordinance or create a pattern of problems with the City. These considerations will also be reviewed in the drafting stage of the revision.

Specific Sections:

25.18.01 - Compliance Required

Also stated in Article 1 of this outline, this section will state that compliance with all provisions of the ordinance is required. While the current §25-8 lists individual potential violations, a general statement making any infraction against these regulations a violation will suffice. This section will also summarize current §25-16 stating that all 1) uses and 2) structures must be used, designed, arranged, erected, moved, altered, added to or enlarged in compliance with uses permitted, on a recorded lot, and with permit approval under this ordinance. Finally, this section will summarize current §25-18 and 19 stating that height setback and other building dimensional requirements must be met.

25.18.02 - Violations

A. Violation Generally

This section will explain that failure to comply with any provision of the ordinance, or the terms or conditions of any permit or authorization granted pursuant to the ordinance, shall constitute a violation of the ordinance. The current standards for violation of conditions found in §25-128 will be the basis for this section.

B. Separate Violations

Each day will constitute a separate and distinct violation or offense. This is a common requirement of zoning violation provisions.

Staff will consider whether to list specific violations with regard to the ordinance, or whether to provide a general prohibition against any violation.

Specific violations may include:

- To create, expand, replace, or change any nonconformity;
- To increase intensity or density of use;
- To make lots, setbacks, buffers, or open spaces nonconforming;
- To act in any means inconsistent with conditions of a plan or permit approval; and
- To fail to remove a sign in violation of the ordinance or for which the sign permit has lapsed.

C. Notice of Violation

The property owner shall be notified in writing. The owner will have 60 days to abate the violation. (Current §25-128(a) for map amendments)

D. Denial of Violation or Failure to Abate

Either through written denial of the existence of the violation or after 60 days from given notice, the City Clerk will be notified. A hearing date by the Mayor and Council will be set and notice of the hearing (in accordance with public notice

requirements of Article 5) will be provided. (Current §25-128(b) for map amendments)

E. Hearing on Violation

A hearing will be held in compliance with the requirements of Article 5. (Current §25-128(c) for map amendments)

F. Action on Notice of Violation

For amendments, if the Mayor and Council find that a violation exists, they may adopt an ordinance revoking a conditional grant of amendment and any building or use on the property is not entitled to nonconformity privileges associated with nonconformities (based on current map amendment requirements).

25.18.03 - Responsible Persons

This section will state that any person who violates the ordinance shall be subject to the remedies and penalties set forth in this article. Person will be defined broadly to include both human beings and business entities.

25.18.04 - Enforcement Generally

This section will identify those persons responsible for enforcement of the provisions of the ordinance. The Chief of Planning or City Manager (to be decided), or their designated representative, shall be responsible for the enforcement of the zoning standards.

25.18.05 - Remedies and Penalties

This section will include provisions detailing a range of penalties and remedies available to the City. Unlike the current standards, it is recommended that these remedies be listed, though they may not be all-inclusive. This section will be based on §7.01 of Article 66B of the Maryland Code. These include:

A. Municipal Infraction Citation (with fines)

This section will be based on current §25-6 and §7.02 of 66B. A violation of any provision of this chapter is considered a municipal infraction, to be enforced by a citation.

B. Withholding, Denying or Revoking Permits

This section will be based on current §25-193(f) for revocation of a use permit, and §25-339 for revocation of a special exception for failure to comply with conditions.

C. Abatement, Stop Orders, and Injunctions

The question remains whether the City would like to include these as a provision in the ordinance, or only apply them as necessary outside ordinance.

D. Civil Actions

This section will be based on current §25-7. With a violation of this chapter, the City or any aggrieved person may institute a civil action to prevent an unlawful action or construction, alteration, reconstruction, etc.

An explanatory sub-section should be given for each type of penalty. This section will consolidate all mentions of fines. It shall also be stated that the imposition of any municipal infraction penalty shall not preclude any aggrieved party from filing suit in the appropriate court.

25.18.06 - Violation Procedure

Notice procedure should be clearly stated to inform violators of problems. For example, notice should be required before a penalty is issued, with the exception of a stop order or anything temporary. There should also be an opportunity to cure the deficiency and if not, notice of the violation should be in writing, contain certain information, and be served to the person in violation (personal delivery or certified registered mail). If any extension of time to cure is given, the procedure for awarding such extensions should be explained.

APPENDIX A

ZONING REVIEW BOARDS – SUMMARY TABLE

The summary table is provided for easy reference to citizens what the various boards are and what are their regulations. This table provides the regulations *in the current ordinance* regarding the various zoning review boards. The table establishes many of the administrative requirements on these boards. Where Maryland Code sections are provided, the current ordinance fails to reference the particular requirement but regulations are established under state law. Where blank spaces remain on the chart, specific regulations are not laid out in the current ordinance.

The Approving Bodies Issue Paper recommended that information from the Rules of Procedure and state law that can be used to fill in the information left blank here should be used to fill in the blanks.

	Mayor and Council	Planning Commission	Board of Appeals	Historic District Commission	Sign Review Board
Powers and Duties	Those outlined by Chapter II of the Charter of Rockville	Those outlined by MD Code §3.01 et seq. – comp plan, recommend zoning ord., annual rpt	Appeals Variances Special Exceptions (& minor amendments)	MD Code 66B, 8.03(b)	Review & decide on sign permits, & modifications from sign regs
Number of Members	1 mayor and 4 Councilmembers	7 members	3 & 1 alt.	5 members	3 & 1 alt.
Members appointed by	Elected by citizens	MD Code 66B §3.02(b) – Mayor, & confirmed by Council	MD Code 66B §4.07(a) - Mayor, confirmed by Council		Mayor, confirmed by Council
Chair		MD Code 66B §3.03(a) – Selected by members for 1 year and eligible for re-election	Selected by members for 1 year and eligible for re-election	Selected by Mayor, confirmed by Council for 1 yr & eligible for re-election	Selected by Mayor, confirmed by Council
Membership Term	2 years and eligible to be re-elected	5 years - staggered	3 years - staggered	3 years - staggered	3 years

	Mayor and Council	Planning Commission	Board of Appeals	Historic District Commission	Sign Review Board
Qualification of members			MD Code 66B §4.07(a) - Not a member of legislative body	By special interest, knowledge or training in certain fields; MD Code 66B §8.03 – majority must be residents of the city	2 businesspersons in city, 2 residents with no vested business interest
Quorum					2 members
Meetings		MD Code 66B §3.03(b) – at least 1 regular meeting a month	Must hold hearing for any matter before it; MD Code 66B §4.07(c) -at chair's call & times determined by board		Once every 6 weeks unless no business
Notice requirements of hearings		MD Code 66B §3.07(b) - For Master Plan hearing but not listed days	15 day written notice; 3 days after filing require sign posting on property		
Decision Time			Decisions on SRB appeal within 10 days from hearing		10 days after hearing
Written decision			Written notice for variance or appeals		Yes, for denial
May grant conditions w/ approval?	Yes	Yes	Yes		Yes
How to appeal body's decision		Use permits or property owned/sold by county to Council, then Circuit Court; all else to Circuit Court under MD Rules	MD Code 66B §4.08 – to the Circuit Court under MD Rules	To Circuit Court under MD Rules	To BOA w/in 10 days from decision – review de novo no later than 45 days after filing

APPENDIX B

SUMMARY OF AUTHORITIES

To summarize the various approval procedures and approving bodies, a Table explaining who has authority over each procedure should be provided in the Ordinance. The following is only a DRAFT, based on current standards and the direction of the review committees' discussions.

Type of Decision	Mayor & Council	Planning Commission	Board of Appeals	Sign Review Board	Historic District Commission	Chief of Planning	Circuit Court
Change of Nonconforming Use						D	
Major and Minor Site Design Plans		D					
Use and Occupancy Permit	D	D				D	
Sign Permit				R	R		
Planned Development	D	R				R	
Special Exception		R	D				A
Variance		R	D				A
Zoning District Boundary Adjustments	D	R				R	
Certificate of Approval							
Zoning Map Amendment	D	R					
Zoning Text Amendment	D	R					
Master and Neighborhood Plans	D	R					
Exterior Modification in Historic District					R		
Administrative Decision			A			D	

Type of Decision	Mayor & Council	Planning Commission	Board of Appeals	Sign Review Board	Historic District Commission	Chief of Planning	Circuit Court
Determination of Historic District Classification	D				R		

D= Decision

A= Appeal

R= Review

APPENDIX C

TIME FILING REQUIREMENTS

The appropriate agency, timing, and additional requirements for the filing of applications both by the applicant and within the City should be addressed. While new applications do not have a time line for filing, there are timing requirements for submission of the application between different boards within the City and for the applicant to file and application for appeal. Appendix C provides a list of the *current* submission and timing requirements for filing under the current zoning regulations. This chart should be reviewed to determine where streamlining can be accomplished and will be changed as certain applications may be modified and others added.

Current Ordinance Filing Time Requirements

BOA = Board of Appeals, PC = Planning Commission, SRB = Sign Review Board, IS = Inspection Services

Action	Code §	Applicant File	Clerk file w/ PC	PC file w/ BOA	Decisions
Continuation of Use under County Requirements	§25-17		Within 5 days after acceptance for filing of application		
Appeal from PC denial of use permit (for city property)	§25-39	With city clerk within 30 days from denial			
Notice of PC decision error of use permit	§25-39	With city clerk within 10 days of appeal notice filing			
File application for use permit after BOA decision to IS	§25-54	Within 6 months of BOA decision			
File and receive building permits after BOA decision	§25-54	Within 12 months of BOA decision or time extension from use permit (construction must start w/in time)			
Recommendations on cases pending	§25-55			7 days prior to public hearing	
Application for sign to sign review board	§25-81	10 days prior to meeting			SRB –w/in 10 days from completion of hearing
Appeal of SRB decision	§25-81	With BOA within 10 days after decision (BOA hearing w/in 45 days therefrom)			BOA decision within 10 days of hearing
Petition for reconsideration of rezoning or exploratory app. / concept plan decision	§25-96, §25-560, 624, 653	With city clerk 20 days from Council decision ¹			
Answer to petition for reconsideration of rezoning or PUD exploratory application	§25-96, §25-560				Council -10 days from filing petition
Application for zoning map amendment	§25-118, 124, 125	With city clerk 12 months after last approval/ denial of reclassification ³	5 days after acceptance for filing		Council - 90 days from hearing must have decision ²
Affidavit of sign maintenance (alt affidavit allowed)	§25-121, 556, 623	With city clerk at hearing or within 10 days from hearing			
PDP for Optional Method & Town Center Planning	§25-326, 668, 682, & 710.30	With city clerk at hearing or within 10 days from hearing	Within 5 days after acceptance for filing of application		
Sign permit application	§25-462				IS chief decide 15 days after filing or return if incomplete

Filing Time Requirements (con't)

Action	Code §	Applicant File	Clerk file w/ PC	PC file w/ BOA	Decisions
Sign permit appeal	§25-462	With SRB within 10 days of decision			
Exploratory application for development ⁵ / Concept plan application	§25-556 (PRUD), 623, 628 (RTD), 653 (CPD)	With Mayor and Council 1 year from approval of initial application for RTD only	5 days after acceptance for filing		
Reconsideration of exploratory application for development	§25-565 (PRUD), §25-626 (RTD)		5 days after acceptance for filing		Council - 10 years (PRUD), 5 years (RTD) & after approval ⁴
Detailed application for development	§25-565 (PRUD), 626 (RTD), 656 (CPD)	With PC, 1 year from final action on the exploratory application (PRUD & RTD); 2 years from final action on concept plan application (CPD)			
Appeal of denial of PRUD, RTD, CPD detailed application	§25-569 (PRUD), 628 (RTD), 658 (CPD)	With city clerk within 30 days from denial, grounds within 10 days of filing			
Use permit application for preliminary development plan for I-3 optional method	§25-670.3	With PC for at least 1 lot within 2 years of approval of PDP			
Preliminary Plat approval	§25-727	7 copies with PC at least 10 days prior to meeting	(NOTE: Appropriate gov't departments file) within 30 days of referral 1 copy of plan w/ comments		PC decide within 60 days after filing of preliminary plat
Final Plat approval	§25-728	With PC at least 2 years after approval of preliminary plat; application at least 10 days prior to meeting	(NOTE: Appropriate gov't departments file) within 15 days of receipt of final plat		PC decide w/in 30 days after filing of final plat- must be filed w/in 2 yrs of approval

1. Council can reconsider its decision on its own motion within 20 days of its decision
2. The decision does not state it is to be given to clerk/petitioner but does allow up to 4 extensions of 60 days each.
3. Though Council can condition no further applications on a particular parcel for up to 3 years (§25-129).
4. This section is not clear but requires a resolution to reconsider within 45 days from specified timeframes.
5. NOTE: The required findings for an exploratory application on an RTD incorporate those for a PRUD in §25-623. Sections 624 and 625 also list individual required findings for an RTD with numbers 6 and 7 being different from number 6 in §25-623. This confusion will need to be addressed in the special development section. Also there are 2 application requirements for PRUD (exploratory and detailed) and 3 for RTD (initial, exploratory and detailed). If these 2 development options have the same requirements, it would avoid some confusion.

APPENDIX D

USE TABLE

[This appendix will include a consolidated list of all use tables provided in different Articles of the Ordinance.]

APPENDIX E

DIMENSIONAL STANDARDS TABLE

[This appendix will include a consolidated list of all dimensional standards tables provided in different Articles of the Ordinance.]